



BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA
Tuesday, October 28, 2014

SUBJECT: Zone Change #652 – 6132 South Frontage Road – Quarnburg Farm
THROUGH: Candi Millar, AICP, Planning Director
FROM: Nicole Cromwell, AICP, Zoning Coordinator

REQUEST

The applicant is requesting a zone change from Agriculture-Open Space (A-1) to Highway Commercial (HC) on a 126.51-acre parcel of land described as the Southwest ¼ of Section 18, Township 1 South, Range 26 East (LESS RY, HWY & C/S 1614, C/S 2038 & the area already zoned HC). The property is generally located at 6132 South Frontage Road approximately 1 mile west of the I-90 King Avenue West interchange. The applicant conducted a pre-application neighborhood meeting on July 28, 2014 and the meeting attendance list and notes are included in Attachment B. The County Zoning Commission opened the public hearing on this request on September 8, 2014, and delayed the item to October 14, 2014, to allow the applicant, their agents and surrounding property owners (Elysian School) to discuss an alternate zone change plan. An alternate plan was not been negotiated, so the original application moved forward to a second hearing with the Zoning Commission on October 14, 2014. The Zoning Commission is forwarding a recommendation of denial on a 2-1 vote.

APPLICATION DATA

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OWNER: Quarnburg Farming Corporation
AGENT: Dax Simek, P.E., Morrison Maierle, Inc.
LEGAL DESCRIPTION: Southwest ¼ of Section 18, Township 1 South, Range 26 East (LESS RY, HWY & C/S 1614, C/S 2038 & the area already zoned HC)
ADDRESS: 6132 South Frontage Road
SIZE OF PARCEL: 126.51 acres
EXISTING LAND USE: Residences and sod farm
PROPOSED LAND USE: Same with potential future commercial or mixed use development
EXISTING ZONING: A-1 & HC
PROPOSED ZONING: HC

APPLICABLE ZONING HISTORY

Subject Property

Zone Change #303 – A zone change from A-1 to HC on a small section in the northeast corner of the property was approved by the County on January 31, 1981

Surrounding Properties – There have been 11 similar zone change requests in this area of Yellowstone County since 1976. One of these applications was denied, one was withdrawn, and 9 were approved. Tvetene Turf to the west submitted a Planned Development zone change in

2013 and worked with Elysian School to customize the zoning so the school could purchase property and protect the school property from encroachment of incompatible uses. Three applications were submitted for the Hiway Acres Subdivision on the west side of East Lane. One application was denied for Lots 6 through 14. Subsequently, two applications were approved. One of those approved was for Lots 6 through 9. This zone change was approved based on the applicants filing a protective covenant on the property to require landscape screening and buffering of the adjacent residential properties on East Lane. The covenants were filed just prior to the County Commissioner's approval. Two zone changes in the Bottrell Subdivision south of Elysian School were approved and one was withdrawn. There was concern from adjoining land owners about direct access for truck traffic on to East Lane. The applicants at the time did not intend to access East Lane. Subsequent to the approved zone change, access was granted to East Lane and truck traffic uses East Lane to connect with the South Frontage Road.

CONCURRENT APPLICATIONS

None

SURROUNDING LAND USE & ZONING

NORTH:	Zoning:	HC & CI
	Land Use:	I-90 and Hogan Homestead Business Park north of I-90
SOUTH:	Zoning:	A-1
	Land Use:	Agriculture
EAST:	Zoning:	HC & CI
	Land Use:	Titan Subdivision – concrete manufacturer and similar uses
WEST:	Zoning:	HC, R-150 & Public
	Land Use:	Commercial, single family homes, and Elysian School

REASONS

The subject property is located approximately 1 mile west of the King Avenue West & I-90 interchange. The total area of the property is 126.51 acres and is most of the area of the south west ¼ of Section 18 in Township 1 South, Range 26 East. A ¼ section is typically 160 acres. The property has approximately 1,600 feet of frontage on South Frontage Road, 1,585 feet of frontage on East Lane, and 2,400 of frontage on Elysian Road. The property is bounded by Hogan's Slough on the east. The property has been used as a turf farm by Tvetene Turf as leased agricultural land. The property owners now desire to retire from agriculture and sell the property.

The owners petitioned the City of Billings to include the property in the Limits of Annexation Area for annexation within the next 5 years and this was granted in the spring of 2014. A small portion of the northeast corner of the acreage received a zone change to HC in 1981. This zone change was to accommodate the business equipment storage for the farming operation. The north half of the property has sufficient frontage on an arterial street to accommodate commercial traffic. The surrounding properties are zoned for agricultural uses, low density housing or commercial uses. The Titan Subdivision to the east is zoned HC and CI and accommodates a variety of commercial shops and businesses. A concrete manufacturer is located on the CI zoned lot. All the lots in Titan Subdivision, with one exception, access Mullowney Lane to the east, a collector street. Property to the west is zoned HC and R-150. The HC zoned property with street frontage on South Frontage Road has protective covenants that require buffering and screening of the single family homes on East Lane. Property to the south is zoned A-1 and currently used for agricultural production. A current buyer for this property is McCall Development for a new residential subdivision in the city. Southwest of the property is Elysian School, an elementary

school. Elysian School District recently approved a bond ballot to expand the school in this location to accommodate the increased student enrollment from nearby subdivisions.

Elysian Road and East Lane are both designated collector streets under the Functional Classification Map for roadways administered by the City and County. A collector street is intended to carry traffic from adjacent subdivisions and property to an arterial street. A collector street can accommodate residential traffic and some commercial traffic. A collector street can be designed for primarily residential traffic or commercial traffic. The existing design for East Lane and Elysian Road does not meet current standards for residential or commercial collector street design. The pavement width on Elysian Road is 20 feet and the width on East Lane is 18 feet. The pavement on East Lane is significantly deteriorated. A minimum pavement width for a residential collector street is 40 feet and 44 feet for a commercial collector. The South Frontage Road in this area carries approximately 5,220 vehicles per day near the intersection with East Lane. Elysian Road carries approximately 870 vehicles per day. There is no traffic count data available for East Lane. The posted speed limit on South Frontage Road is 60 mph at this location. There is no posted speed limit on either East Lane or Elysian Road except at the intersection where the school zone is posted at 15 mph. East Lane is stop controlled at the intersection with Elysian Road. The current zoning of A-1 has been in effect since 1973 when the county adopted jurisdictional zoning around the City of Billings.

The applicants have owned and farmed the property since well before zoning was in place for the County. There are farm buildings and machinery storage in the northeast corner of the property and there is a manufactured home on the south west corner near the intersection of Elysian Road and East Lane. The area of property proposed for HC zoning encompasses the entire property, although adjacent zoning to the south and west is either A-1, residential or for the public school. The school location at the intersection is not compatible with many of the allowed uses within the HC zone including limited pharmaceutical manufacturing, truck stops, mining equipment storage and service, heavy construction contractors, ice plants, manufacturing plants, wholesale warehouses, large retail facilities, hotels, RV parks, truck terminals, and similar uses. The largest area of HC in the area is directly east in the Titan Subdivision, Zeiler Subdivision and Kelly Subdivision. The Titan Subdivision has developed outside the city limits and includes low-water use facilities such as personal storage warehouses, heavy construction contractors, cement manufacturers, building material supply warehouses, forklift and machinery dealers and plumbing warehouses. The Zeiler Subdivision is not yet developed but has been annexed to the city and zoned HC. The Kelly Subdivision also within the city limits includes a new 80+room La Quinta Inn, a Kelly Inn, the Southern Empire Emporium Restaurant and Casino, and the Cracker Barrel Restaurant. The Hogan Homestead Subdivision north of I-90 is also a similar size area of HC. This property is within the city limits and includes restaurants, hotels, banks, Costco, Shopko, EMBS offices, and other service businesses. Hogan Homestead Subdivision is bordered by King Avenue West and S 24th Street West, both multi-lane arterial streets.

The proposed zoning and potential uses of the property may have a detrimental impact on the surrounding streets, residential properties (both existing and planned) and the school. The type and volume of commercial traffic cannot be predicted at this time, but it would likely require the re-construction of both East Lane and Elysian Road to commercial collector street standards. Hiway Acres Subdivision to the west dedicated a 30-foot half right-of-way. Additional right of way would be required from this property to develop a collector street. Elysian Road has no dedicated right of way but is a mid-section line road with a 60-foot road easement. Right of way would also need to be dedicated for the development of a collector street. These street

dedications would not be required unless a subdivision of the property is proposed in the future. If the property is not subdivided, development of the property could still occur. The traffic would have to be accommodated with the existing roads as currently built. Driveway or street opening permits would be issued by the County, or if the new driveway is off South Frontage Road then MDT would provide the permit.

The Planning staff must consider all potential uses on the subject property including retail, commercial office space, restaurants (with or without alcohol service), personal storage and multi-family uses. Some of these uses would require annexation for provision of public utilities. If the entire property were developed for multi-family dwellings (10-plexes), then new traffic generate would be significantly increased (@27,500 trips per day). A 5,000 square foot restaurant would generate approximately 200 new vehicle trips per day. The current zoning allows single family dwellings and agricultural uses. The property has more than 1,600 linear feet of frontage on South Frontage Road that could accommodate at least 2 new street openings for internal street access to new developments. East Lane and Elysian Road offer more frontage and could accommodate multiple street or driveway openings. Another use of the undeveloped property with the proposed zoning would be for billboards. The current zoning does not allow billboards. The County sign code would allow the installation of up to 3 new billboards on the South Frontage Road within the HC zone.

A neighborhood meeting was conducted by the applicant on July 28, 2014, at the subject property. Five surrounding property owners attended the meeting. The meeting notes indicate concerns with commercial development adjacent to residential homes and the school. The minutes of meeting are included as Attachment B.

Planning staff reviewed the application and forwarded a recommendation of denial for the proposed zone change based on the 11 criteria for zone changes. The Zoning Commission concurred with the staff recommendation on a vote to 2-1. Commissioner Al Littler voted against the recommendation for denial. Part of the property may be appropriate for HC zoning, particularly the area with access to South Frontage Road. The south west quarter of the property near the intersection of East Lane and Elysian Road would be more appropriate for residential uses, low-intensity commercial development that could serve this growing area of Billings, or some mixed use development with compatible residential and commercial uses. The HC zone does allow residential uses but there are few residential developments within HC zoning districts. The adjacent streets are not intended to handle the type and volume of commercial traffic that could result from the development with an HC zoning designation. The proposed zoning is incompatible with the existing adjacent uses to the south and west and planned development of those adjacent parcels. The HC zone could allow the construction of other uses that may also have a detrimental effect on traffic and the adjacent residential and school uses.

RECOMMENDATION

The Zoning Commission voted 2-1 to recommend denial of Zone Change #652.

ZONING COMMISSION PUBLIC HEARINGS AND DISCUSSION

The Zoning Commission opened the first public hearing on September 8, 2014, and received the staff recommendation, testimony from the applicants, the agents, the Elysian School District and surrounding property owners. Written testimony received at the first and second public hearings is attached to this report. The Zoning Commission voted to delay action on the application to allow the applicant, agents and Elysian School officials to discuss an alternate zone change plan.

The applicants proposed an alternate but could not reach an agreement with the school district in time for publication of legal notice on September 17.

The Zoning Commission conducted a second public hearing on the application on October 14, 2014. The applicants and their agents were in attendance to testify in favor of the proposed zone change. A list of all attendees at the 2nd hearing is attached to this report. Carol Hardy, attorney for Quarnburg Farming Corporation, and Sharon Ingraham, member of the Quarnburg Farming Corporation, provided testimony in favor of the application. Bob Whalen the Elysian School District Superintendent, Laurie Hickethier the Elysian School District Clerk, Haley Vannatta, Dennis Randall, Brad McCall, and Jeremy Vannatta, an Elysian School District Board member, provided testimony in opposition to the application. Several petitions in favor and in opposition to the zone change were received. Carol Hardy also provided several documents for consideration by the Zoning Commission. All of the written testimony received is attached to this report.

The Planning staff presented its report and recommendation. Chairman Al Littler asked if staff agreed that HC zoning surrounds this property but there are concerns with the southern boundary. Staff clarified and stated there are also concerns with the western boundary along East Lane south of the Frontage Road intersection. Commission member Terri Wellborn asked about the recent City zone change for property on Mallowney Lane. Staff stated the Zeiler family annexed and rezoned their property to Highway Commercial within the city limits zoning last year. Staff noted the Zeiler farm has frontage on Mallowney Lane and S. Frontage Road but not on Elysian Road or East Lane.

Ms. Hardy represents the Quarnburg Family as their attorney. She gave an overview of events that took place since the September 8, 2014, public hearing. Ms. Hardy stated the Quarnburg's offered to change a 300 foot by 300 foot area at the corner of East Lane and Elysian Road to the same type of zoning approved for the Tvetene/Viking Land property in 2013 by the County Commissioners. This is a Planned Development with underlying Highway Commercial zoning, which has additional restricted uses. Ms. Hardy explained the school district turned down this offer as they desire protection along the entire length of Elysian Road. She said the Quarnburgs are willing to accomplish the same result as the Planned Development by using protective covenants and restrictions to establish the same protection but only within 300 feet of the school district corner. Ms. Hardy said these offers have not been acceptable to McCall Development or the School Board. She pointed out that one of the McCall Development members also serves on the Elysian school board.

In response to a question by Commissioner Littler, Ms. Hardy stated the Quarnburgs intend to place the covenants and restrictions on the 300 foot by 300 foot area at the same time the HC zoning is approved. Chairman Littler said he didn't find this offer in the supporting documents Ms. Hardy presented. Carol Hardy responded this was a verbal offer to the Elysian school district.

Ms. Hardy continued and commented on the recent public meeting and discussion on the Zoo Montana to Riverfront Trail network which includes a proposed trail alignment in this area. She presented a digital map of the draft trail alignments and pointed out the preferred trail. The preferred alignment goes north along East Lane to the school and at a future date potentially along the easement in Titan Subdivision. Ms. Hardy stated this addresses the issues of the dangers to children on Elysian Road and potential for additional traffic with the zoning. She

reminded the Commission of the laws in effect to protect school children and schools, including traffic laws and prohibition of certain activities near a school.

Ms. Hardy noted the zoning code requires landscaping buffers between commercial and residential property. She stated the buffering will protect the adjoining residential areas, and part of the proposed covenants and restrictions will put equivalent buffering around the corner within 300 feet of the school. She commented the entire area requires buffering if the property is developed as a residential area. She reiterated the fact the Quarnburg family has farmed this property for over 4 generations and their desire to sell the property at this time to provide retirement income for four Quarnburg families. She asked the Commissioners to pass this request for a zone change and suggested they consider the use of covenants and restrictions.

As supporting material, Ms. Hardy submitted staff reports copied from previous zone change requests for Tvetene Turf/Viking Land and for the Zeiler Farm. Ms. Hardy pointed out the Commission will need to draft a response to the eleven criteria to support a recommendation of approval and offered findings she drafted for consideration. She pointed out the County is required to make 1 additional finding the City is not required to consider. This criteria is whether the proposed county zoning is compatible with adjacent or nearby urban zoning.

Ms. Hardy presented a digital map from the 2008 Growth Policy titled "City/County Planning Board Growth Map 4.1.3". She stated this map shows the anticipated development within the City/County jurisdictional area. She said the Growth Policy states this is a concept of growth in the greater Billings area, and suggests this zoning is appropriate for this area based on this concept map.

Chairman Littler pointed out there is a difference between the 2008 Growth Policy and the 2014 Urban Planning Study presented to support the annexation of the Quarnburg Farm into the city limits. He stated the Urban Planning Study supersedes some of the thought in the 2008 Growth Policy. Ms. Hardy said the 2014 Urban Planning Study was done to support extension of water and sewer to this area along Elysian Road up to an including the Elysian School. Ms. Hardy stated City Public Utilities has made a commitment to pay for installation of the water and sewer lines that benefit the entire area. She pointed out the HC zoning allows for residential development at multi-family densities as well as commercial development.

Bob Whalen, Superintendent of the Elysian School District, testified in opposition to the zone change. Chairman Littler pointed out the written request submitted to the school district did not include the verbal offer for covenants and restrictions similar to the Viking Land Planned Development zoning. Chairman Littler asked if the school board addressed this request. Mr. Whalen stated the board did consider the offer but that circumstances have changed with the likelihood of city water and sewer services to the school and surrounding properties. He stated the initial conversations with Tvetene Turf took place during the planning period to accommodate the influx of students into the district. The school was in negotiations to purchase land from Tvetene Turf at the same time the business owners were considering retirement. The city did not intend to extend water or sewer services at that time. He said the School District would have insisted on a residential zoning for the Tvetene Turf property if water and sewer was available. The circumstances are different for this property given the likelihood of city annexation and provision of water and sewer service capable of serving residential development and commercial development. Superintendent Whalen stated the school board's response to the offer is to have the right of first refusal to buy the 300 foot by 300 foot area they wanted as a

buffer zone. He stated the Quarnburgs did not offer a compromise only the 300 foot by 300 foot area for protective covenants and restrictions.

Nicole Cromwell posted a digital copy of the Viking Land Planned Development Agreement and noted a portion of the document stating prohibited uses on properties directly adjacent to the school area. The Planned Development document is attached to this report.

Laurie Hickethier, Clerk for the Elysian School District, stated at the time the School Board was aware of the need for expansion, it was determined it was most feasible to do an addition to the current building instead of purchasing property elsewhere. She said their best offer at the time with the Tvetene property was HC commercial zoning with restriction built into the Planned Development. Ms. Hickethier stated 150 of the 250 students come from the Josephine Crossing neighborhood and the remainder are bussed into the school from a 3-mile radius. She stated the school district desires a buffer along Elysian Road as the majority of their students are traveling this route. In response to a question by Chairman Littler, she stated the school's bonding capacity is increasing due to additional development in the district, mainly in the city limits. Chairman Littler noted the recommendation for a trail system located south of Elysian Road for children to travel. Ms. Hickethier stated these plans are still very preliminary and trail construction is likely many years in the future.

Haley Vannatta stated she is the president of the PTO for Elysian School. She stated the argument in favor of the zone change since trails will be provided in the future is too vague at this time. She stated there is no guarantee the trail will ever be realized and in a location that is suitable for the students. Ms. Vannatta stated Elysian School deserves respect in terms of negotiation with the land use. She said this issue is important to parents and they submitted a petition against the zone change. She took exception with Ms. Hardy's comment of Brad McCall's representation on the School Board and stated the Board Members are representatives of the whole district not just one area. Commission member Terri Welborn asked Ms. Vannatta how many students are walking or riding bicycles to school. Ms. Vannatta stated none that she knew of at this time.

Dennis Randall stated he helped work on the Tvetene Planned Development Agreement, (PD). He said some of the concept plans considered included a plan for residential uses with city services. Those concepts were presented to the city but the city had no plans of extending sewer and water to this area in 2010. With that in mind, Sanderson Stewart developed a Highway Commercial Master Plan and later amended it to a Planned Development Agreement. Mr. Randall stated since the initial discussions with the city, new property has been added to the limits of annexation based on Urban Planning Studies that included higher density residential uses with some commercial service businesses. The city now intends to extend the services. He stated he has had recent conversations with the Tvetene family and they may consider changes to the existing PD to allow residential uses especially the area directly surrounding the school. Chairman Littler asked about the difference between the Quarnburg's plan and the PD. Mr. Randall said once a standard commercial zoning district is in place there is no guarantee of a particular use – only the uses allowed in that zone. He stated the Tvetene zoning allows some HC uses but restricts many of those normally allowed in HC zoning. He stated the list of prohibited or restricted uses in the PD zone were agreed to through many months of negotiating with the school district. Chairman Littler commented on the economic underlying factor to these decisions. Dennis Randall argued economic factors necessarily drive property owner decisions. He stated a residential use in this area may be just as viable now. Mr. Randall stated to just allow

the market to drive the planning is inappropriate. Chairman Littler stated he understands the need for balancing competing needs of property owners, but their property rights are guaranteed. Mr. Randall stated a “rainbow” of zoning for the Quarnburg property would be appropriate but not the blanket zoning of HC as proposed.

Brad McCall stated he has been an Elysian School Board member for seven years and was intimately involved with the negotiations between the school and the Tvetene family. He said he recused himself from any school board decisions on the Quarnburg property since his development company has a purchase interest in property to the south of Elysian Road. Mr. McCall said McCall Development is looking towards developing a residential area on a parcel located south of this property. He said property value is a key factor to consider along with the need for “highest and best use”. He said part of the applicant’s request for homogenous zoning for the entire parcel may have to do with the inability to legally divide the property. He stated it is his opinion the size of the Quarnburg property is one of the biggest obstacles to the ultimate sale and development of the property. He noted the difference between zoning restrictions and covenants. He stated zoning is enforced by the City and County while covenants are enforced by lawsuits. Mr. McCall commented the “game changer” in this area is the extension of city water and sewer, which shifted after the Urban Planning Studies were written and accepted by the city for purposes of annexation. Mr. McCall stated he considered the taxes, fees and the system development charges especially while preparing his Urban Planning Study for the property south of the Quarnburg Farm. His findings indicated higher density residential development brings exponentially more revenue to the City for the cost of services provided. He spoke as a residential developer and stated he would not be interested if the area along the south end of the Quarnburg Farm was a highway commercial development. He stated the Urban Planning Study prepared for the Quarnburg Farm stated the intent to seek this blanket zoning but indicated the south 1/3 of the property would be reserved for residential development. He stated the request for Highway Commercial zoning across the entire parcel is a mistake. He stated that as a School Board member during the Tvetene negotiations, the circumstances dictated the need to agree with the Tvetene zone change with the Planned Development use restrictions.

Jeremy Vannatta stated he is an Elysian School Board member. He state the Board was frustrated by the Quarnburg’s verbal offer to place covenants and restrictions on a small 2 acre portion of the property at the intersection of Elysian Rand and East Lane. He state he agrees the Quarnburg family should get a high dollar value for their land but the school should not be sacrificed to achieve this high value. He stated it is not the responsibility of the Zoning Commission to preserve the highest and best use of properties. He stressed the school system has existed for 100 years and must be considered. He voiced concern the applicant does not know the future property owner or the intended use. Mr. Vannatta said the school’s first duty is protecting the students. He stated the trail system is in the early planning stages and is not yet a viable alternative for students. He stated once the blanket zoning is in place, going backward would be difficult.

Sharon Ingraham provided rebuttal testimony on behalf of Quarnburg Farming Corporation. Ms. Ingram noted the updated map showing the surrounding owners in support of the zone change. She also reminded the Commission of the letters and petitions in support of the zone change. She stated the Elysian School is 100 years old and was started by the Quarnburg family. The school actually was located in the Quarnburg homestead on South Frontage Road. She stated the upstairs was built with a large bedroom for the teachers to live in since there was no viable housing in the area for the teachers. Ms. Ingram stated the majority of the existing traffic on

Elysian Road is coming from the Josephine Crossing neighborhood. She stated she has only seen two students on bicycles going to the school on Elysian Road.

Carol Hardy also provided rebuttal testimony on behalf of Quarnburg Farming Corporation. Ms. Hardy discussed the probable traffic patterns if the Quarnburg's property were zoned Highway Commercial. She stated it is more likely traffic will flow north to South Frontage Road or east to Mallowney Lane and will not travel across the front of Elysian School. She said it is important to know when construction is completed; the school's entrance will be facing Elysian Road but will be further west than the existing entrance. Ms. Hardy stated she is contesting the comment that this development will put additional traffic in front of the school. Ms. Hardy stated her client has agreed to a compromise with fairly onerous covenants to be enforced by the school. She pointed out the development requirements for property are enforced along with zoning violations by the City and County.

Commissioner Littler asked if it would be reasonable to extend the covenants beyond the two acres near the school district due to the availability of water and sewer. Carol Hardy responded the McCall plan for a residential neighborhood to the south and existing laws would require buffer zones. Planning staff clarified it would not be required as the commercial use would be more than 50 feet away from the residential area and across the street. Discussion followed on the requirements for right-of ways and the requirements for landscape buffering for perimeters of large developments.

Chairman Littler closed the public hearing.

Commission member Terri Welborn moved to recommend denial of Zone Change 652 and adoption of the findings of the 11 criteria for this zone change as presented by Planning staff. The motion was seconded by Commission member Ole Shafer. Ms. Wellborn stated she agrees that placing covenants and restrictions on the property is not an alternative to getting the zoning right. Mr. Shafer concurred and said he does not agree with the request for blanket zoning. Chairman Littler stated he would vote against the motion as this is a difficult decision. He said he is disappointed the applicant and the School District did not find a compromise. The Commission thanked attendees for their good presentation and points of discussion.

RECOMMENDATION

The Zoning Commission recommends denial of Zone Change #652 on a 2-1 vote.

PROPOSED COUNTY COMMISSION DETERMINATIONS

The Board of County Commissioners, prior to any recommendation, shall consider the following:

1. *Is the new zoning designed in accordance with the Yellowstone County and City of Billings 2008 Growth Policy?*

The proposed zoning does not comply with the following goals of the Yellowstone County and City of Billings 2008 Growth Policy and area plans:

- Prohibit high intensity commercial development in residential areas. Provide less intensive commercial development on arterial intersections within residential neighborhoods.

This zone change would place a high intensity commercial zone adjacent to existing and planned residential homes as well as Elysian School.

- Predictable land use decision that are consistent with neighborhood character and preferred land use patterns identified in neighborhood plans. (Land Use Element, page 6).

This zone change would allow for high intensity commercial use adjacent to low-density uses and neighborhoods. This is not consistent with the neighborhood character.

- Goal: New developments that sensitive to and compatible with the character of adjacent development. (Land Use Element Goal, page 6).

This property is adjacent to commercial uses to the east and north but has low intensity uses and sensitive uses to the south and west. This is not compatible with the adjacent development.

2. *Is the new zoning designed to secure from fire and other danger?*

The subject property is currently served by the Billings Urban Fire Service Area (BUFSA). The nearest fire station is located on S 24th Street West (FS #5), approximately 2 miles north of the subject property. The property currently pays approximately \$1,300.00 per year for structural fire protection.

3. *Will the new zoning facilitate the provision of transportation, water, sewerage, schools, parks and other public requirements?*

Transportation: The new zoning will increase traffic on all of the adjoining streets when sales of property and development occurs. It is not possible to predict the type and volume of traffic that could be generated except in a general manner. Both Elysian Road and East Lane are considered collector streets but neither are developed to these standards at this time. Elysian Road and East Lane have no posted speed limits and have about 20 feet of pavement width for two-way traffic. South Frontage Road is developed for highway type traffic including higher speeds and heavier vehicles. There is no guarantee that all traffic generated by a proposed development would access only South Frontage Road. The County does not intend to improve either Elysian Road or East Lane in the future. If a subdivision occurs, improvements to collector street standards may be required.

Water and Sewerage: The property will be served by septic systems and an on-site water system if developed in the County. If the property is annexed, city services could be extended to the property.

Schools and Parks: The proposed zoning could have an impact on the student enrollment if residential homes or apartments are constructed. The more immediate impact is on the school facility itself at the southwest corner of the intersection of East Lane and Elysian Road. The types and volume of commercial traffic would make the operation of a safe and comfortable school campus challenging.

Fire and Police: The subject property is serviced by the Billings Fire Department and the Yellowstone County Sheriff's Department. Fire protection will be evaluated at the time of a development plan.

4. *Will the new zoning promote health and general welfare?*
The new zoning will allow development of property that is adjacent to commercial property to the north and east but not near existing commercial uses to the south and west. The proposed zoning adjacent to the residential uses (existing and planned) and the elementary school is not compatible and would not promote the general health and welfare of the residents and students. The current zoning, A-1, allows low density single family dwellings (1 per 10 acres) and agricultural uses. The proposed HC zoning will allow the owner to sell the property to any developer of a commercial use including single use developments, mixed use developments or multi-family uses. This does not promote the health and general welfare of the area.
5. *Will the new zoning provide adequate light and air?*
The proposed zoning would require minimum setbacks, maximum building heights and maximum lot coverage. These requirements should allow adequate light and air to reach the subject property and adjacent properties.
6. *Will the new zoning effect motorized and non-motorized transportation?*
The proposed zoning itself will not generate more traffic on any of the adjacent streets. There are no pedestrian facilities in the area but South Frontage Road, East Lane and Elysian Road are all designated on-street bike routes. There are no shoulders on the pavement of East Lane and Elysian Road so the travel way for pedestrians, bicycles, and vehicles are shared. Introducing commercial traffic loads to either street would have a detrimental effect on pedestrian, bicycle, and vehicular use of these travel ways.
7. *Will the new zoning be compatible with urban growth in the vicinity?*
The proposed zoning is not compatible with adjacent residential uses and school facilities. The proposed zoning is more compatible with uses to the north and east.
8. *Does the new zoning consider the character of the district and the suitability of the property for particular uses?*
The subject property is in an area that has low density residential development, planned residential development and an elementary school. A portion of the property may be suitable for HC zoning, but not the entire parcel. It is not likely the character of the area south and west of the property will change to further commercial uses in the future given the existing uses, recent zone changes, and current development plans.
9. *Will the new zoning conserve the value of buildings?*
The new zoning will allow the development of new commercial uses throughout the property. The intrusion of commercial uses across the street from homes on East Lane and from the school facility will result in lower market value for these adjacent residential properties. The property is currently developed with a commercial agriculture building and a manufactured home. The manufactured home will become a legal non-conforming use of the property if the zoning is changed as proposed.
10. *Will the new zoning encourage the most appropriate use of land in Yellowstone County?*
The property is not suitable for the proposed HC zone for the entire parcel. A north and east portion of the property may be suitable for HC uses. This area of southwest Billings has experienced recent growth primarily from property zoned and annexed for uses within the city. Rural commercial development is possible but many potential uses would

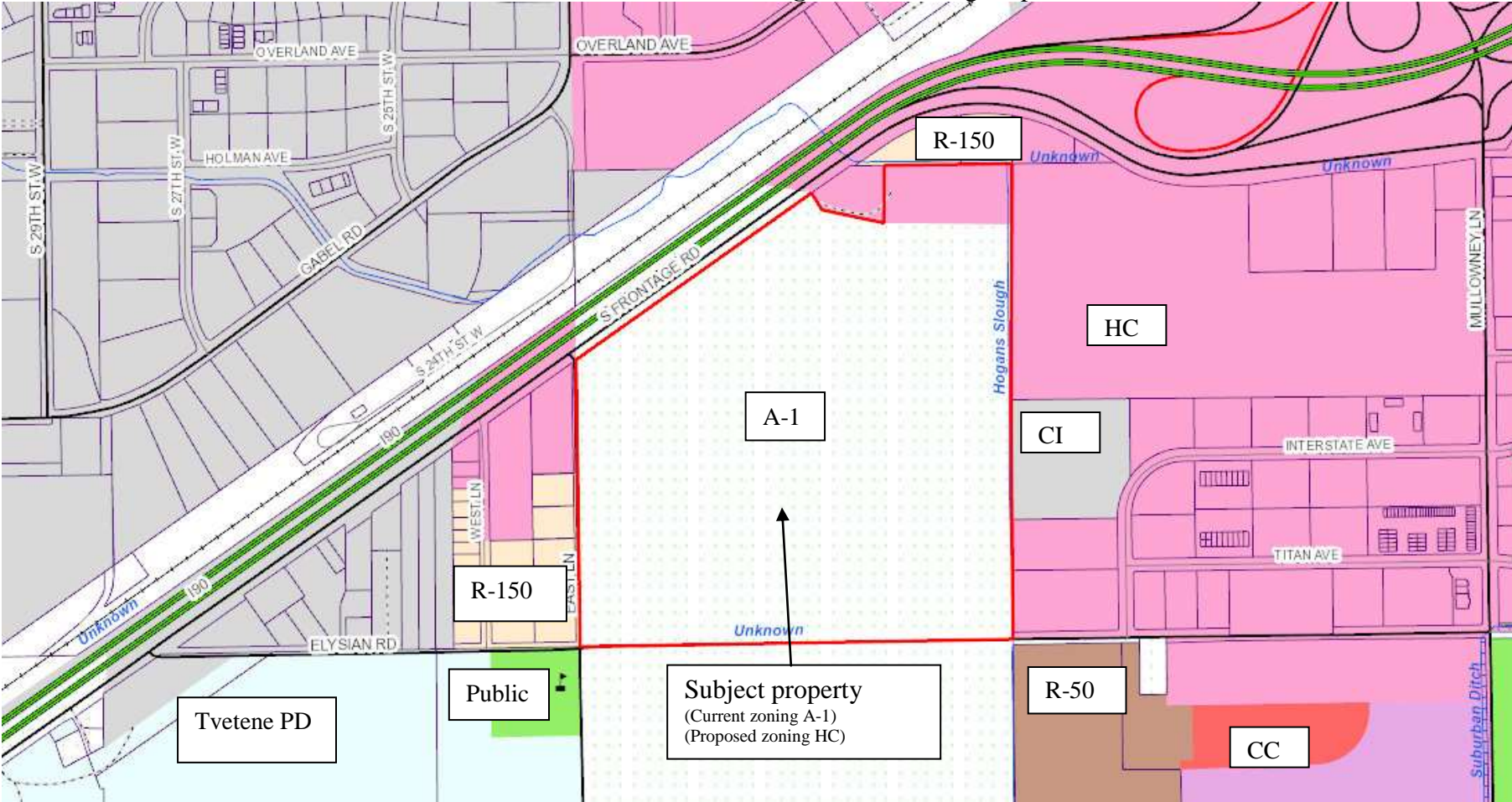
require city water and sewer services. Property to the east close to the I-90 interchange has developed for HC uses including hotels, restaurants, gas stations and similar uses catering to the traveling public. The HC zone is intended to “*provide areas for commercial and service enterprises which are intended primarily to serve the needs of the tourist, traveler, recreationist or the general traveling public. Areas designated as Highway Commercial should be located in the vicinity of, and accessible from interstate interchanges, intersections on limited access highways, or adjacent to primary or secondary highways. The manner in which the services and commercial activities are offered should be carefully planned in order to minimize the hazard to the safety of the surrounding community and those who use such facilities.*” While portions of the property may be appropriate for the request HC zone, there is no careful planning that will eliminate the hazard to the surrounding community. This not the most appropriate use of land for this entire property in this area of the County.

11. Will the new zoning be as compatible as possible with adjacent zoning in the City of Billings?

The proposed zoning is adjacent to the City of Billings on the east. The proposed zoning of the north half of the property is compatible with adjacent zoning.

Attachment A:	Zoning Map
Attachment B:	Applicant Letter & Pre-application neighborhood meeting minutes
Attachment C:	Site Photographs
Attachment D:	Testimony and materials provided by applicants and opponents
Attachment E:	Tvetene PD, Urban Planning Study for Quarnburg Farm, Attendance List from October 14, 2014 hearing

Attachment A - Zone Change #652 - Zoning Map



Attachment B - Zone Change #652
Applicant Letter & Pre-application neighborhood meeting minutes

Pre-application Meeting Synopsis

Yellowstone County requires that a pre-application meeting be conducted prior to the zone change application submittal. As such, a meeting was held on Monday, July 28, 2014 at 6132 South Frontage Road. Dax Simek, P.E. of Morrison Maierle, Inc. facilitated the meeting to present the proposed zone change and address any questions or concerns from those in attendance.

Eight people attended the meeting to discuss the zone change. Four of the individuals expressed concern regarding the possibility of commercial development occurring adjacent to the school and existing residential areas. They mentioned increased traffic along East Lane that could result from development of the property.

Other topics discussed included potential impact on property values and whether the property would be served by City water and sanitary sewer upon development. It was discussed that ultimately the property would likely be annexed into the City of Billings and go through a major subdivision review process due to the large size of the parcel and that this would give adjacent landowners an additional opportunity to discuss their concerns.

Overall, the tone of the meeting was very civil with some individuals wanting to know how some of the potential issues that arise from commercial and/or residential development can be mitigated.

QUARNBURG ZONE CHANGE APPLICATION - SIGN-IN LIST

Project: Quarnburg Zone Change Application - Public Meeting
Date/Time: Monday, July 28, 2014, 6:00pm
Location: 6132 South Frontage Road

NAME	ADDRESS	PHONE	E-MAIL
Brice Quarnburg	4025 3 RD AVE SE	2458452	
Dee Quarnburg	4025 3 RD AVE SE	245-8432	jagabrown.net
Joseph Quarnburg			
Chapin Hagan	6012 S. Frontage Rd	656-6950	
Gary Armstrong	1701 EAST LN	655-4439	GRANT71@gmail.com
Tammi Johnson	1521 West Ln	860-3918	
Wanda Morgan	1520 East Ln	650-3563	wandahenfer@hotmail.com
Dee Shaker	1470 East Ln	969-1383	DAVEZ@charter.net

Zone Change Plan
6132 South Frontage Road, Billings, MT

The subject property located at 6132 South Frontage Road, Billings, Montana is legally described as S18, T01 S, R26 E, SW4, Less RY, HWY & C/S 1614 & C/S 2038 and the portion zoned H-C and consists of approximately 126.5 acres of farmland. The parcel is currently zoned A-1, or Agricultural - Open Space with the exception of the portion zoned H-C, or Highway Commercial, which is not included in this Zone Change Plan.

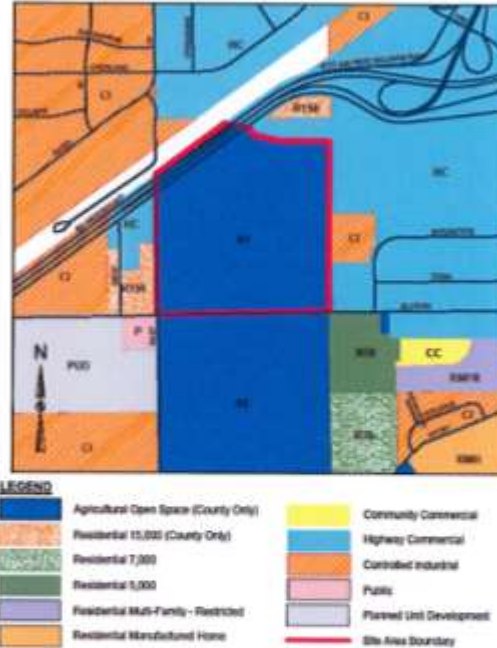
The intent of this Zone Change Plan is to re-zone the property to HC, or Highway Commercial for the entire parcel. The figure at right shows existing zoning of the subject and surrounding properties. Of note is that many of the adjoining properties are zoned Highway Commercial.

Re-zoning of the parcel with Highway Commercial will offer predictable development going forward. According to the City of Billings and Yellowstone County Unified Zoning Regulations, the Highway Commercial zoning classification is defined as: "HC – Highway Commercial: The Highway Commercial zone is intended to provide areas for commercial and service enterprises which are intended primarily to serve the needs of the tourist, traveler, recreationist or the general traveling public. Areas designated as Highway Commercial should be located in the vicinity of, and accessible from interstate interchanges, intersections on limited access highways, or adjacent to primary or secondary highways. The manner in which the services and commercial activities are offered should be carefully planned in order to minimize the hazard to the safety of the surrounding community and those who use such facilities."

In consideration of the property's location and surrounding zoning, it is appropriate to re-zone the entire parcel to Highway Commercial. Furthermore, this particular zoning designation allows for residential development, which would provide buffering opportunities adjacent to existing and proposed residential areas.

The anticipated timeline for the Zone Change Application is as follows:

- | | |
|------------------------------------|--------------------|
| • Pre-Submittal Meeting | July 28, 2014 |
| • Submit Zone Change Application | August 4, 2014 |
| • Zoning Commission Public Hearing | September 8, 2014 |
| • County Commission Public Hearing | September 23, 2014 |



Attachment C – Zone Change #652



Subject property – south west corner



View south and west to Elysian School

Attachment C – Zone Change #652, continued



View north from Elysian Road to I-90



View east along Elysian Road

Attachment C – Zone Change #652, continued



View north and east from access road on Elysian Road



View south from South Frontage Road

Attachment C – Zone Change #652, continued



View south and east from South Frontage Road



Attachment C – Zone Change #652, continued



Adjacent Titan Subdivision @ 80 acres (commercial rural development)



Subject Property

Attachment D – Zone Change #652

Testimony and materials provided by applicants and opponents

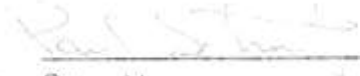
September 2, 2014

To: Yellowstone County Zoning Commission
and
Yellowstone County Commissioners

We own or occupy property near the Quarnburg Farming Corporation land
at 6132 South Frontage Road.

We would like you to know that we support the proposed Quarnburg Zone
Change from Agricultural to Highway Commercial.

Thank-you,


Paul Schultz
6134 So. Frontage Rd.

September 2, 2014

To: Yellowstone County Zoning Commission
and
Yellowstone County Commissioners

We own or occupy property near the Quarnburg Farming Corporation land
at 6132 South Frontage Road.

We would like you to know that we support the proposed Quarnburg Zone
Change from Agricultural to Highway Commercial.

Thank-you,


Jock Clause
Western Municipal Construction, Inc.
5855 Elysian Road
Billings, MT 59101
406-254-2106

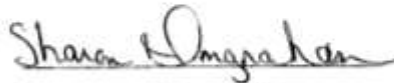
September 2, 2014

To: Yellowstone County Zoning Commission
and
Yellowstone County Commissioners

We own or occupy property near the Quarnburg Farming Corporation land
at 6132 South Frontage Road.

We would like you to know that we support the proposed Quarnburg Zone
Change from Agricultural to Highway Commercial.

Thank-you,


Sharon Ingraham
6132 South Frontage Rd

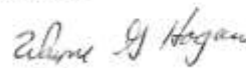

September 2, 2014

To: Yellowstone County Zoning Commission
and
Yellowstone County Commissioners

We own or occupy property near the Quarnburg Farming Corporation land
at 6132 South Frontage Road.

We would like you to know that we support the proposed Quarnburg Zone
Change from Agricultural to Highway Commercial.

Thank-you,



WAYNE & ROXANNE HOGAN
6012 S FRONTAGE RD.

September 2, 2014

To: Yellowstone County Zoning Commission
and
Yellowstone County Commissioners

We own or occupy property near the Quarnburg Farming Corporation land
at 6132 South Frontage Road.

We would like you to know that we support the proposed Quarnburg Zone
Change from Agricultural to Highway Commercial.

Thank-you,



Don Tvetene
South Frontage Road

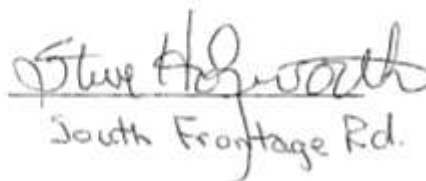
September 2, 2014

To: Yellowstone County Zoning Commission
and
Yellowstone County Commissioners

We own or occupy property near the Quarnburg Farming Corporation land
at 6132 South Frontage Road.

We would like you to know that we support the proposed Quarnburg Zone
Change from Agricultural to Highway Commercial.

Thank-you,



Steve Hogworth
South Frontage Rd.


September 2, 2014

To: Yellowstone County Zoning Commission
and
Yellowstone County Commissioners

We own or occupy property near the Quarnburg Farming Corporation land
at 6132 South Frontage Road.

We would like you to know that we support the proposed Quarnburg Zone
Change from Agricultural to Highway Commercial.

Thank-you,



WAYNE G. HOGAN
5950 SO. FRONTAGE RD.

September 2, 2014

To: Yellowstone County Zoning Commission
and
Yellowstone County Commissioners

We own or occupy property near the Quarnburg Farming Corporation land
at 6132 South Frontage Road.

We would like you to know that we support the proposed Quarnburg Zone
Change from Agricultural to Highway Commercial.

Thank-you,



MIKE TVETENE
SOUTH FRONTAGE RD.

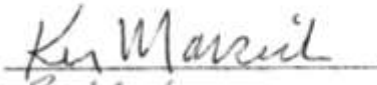
September 2, 2014

To: Yellowstone County Zoning Commission
and
Yellowstone County Commissioners

We own or occupy property near the Quarnburg Farming Corporation land
at 6132 South Frontage Road.

We would like you to know that we support the proposed Quarnburg Zone
Change from Agricultural to Highway Commercial.

Thank-you,


President
Billings Precast


September 2, 2014

To: Yellowstone County Zoning Commission
and
Yellowstone County Commissioners

We own or occupy property near the Quarnburg Farming Corporation land
at 6132 South Frontage Road.

We would like you to know that we support the proposed Quarnburg Zone
Change from Agricultural to Highway Commercial.

Thank-you,


Kathleen E. Doherty
1444 West Lane
Billings, MT 59101

September 2, 2014

To: Yellowstone County Zoning Commission
and
Yellowstone County Commissioners

We own or occupy property near the Quarnburg Farming Corporation land
at 6132 South Frontage Road.

We would like you to know that we support the proposed Quarnburg Zone
Change from Agricultural to Highway Commercial.

Thank-you,


1790 EAST LN.

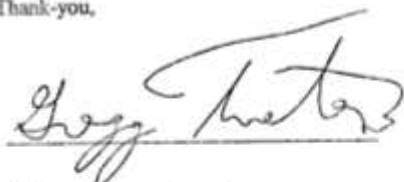
September 2, 2014

To: Yellowstone County Zoning Commission
and
Yellowstone County Commissioners

We own or occupy property near the Quarnburg Farming Corporation land
at 6132 South Frontage Road.

We would like you to know that we support the proposed Quarnburg Zone
Change from Agricultural to Highway Commercial.

Thank-you,


Gregg Tvetene
South Frontage Rd.

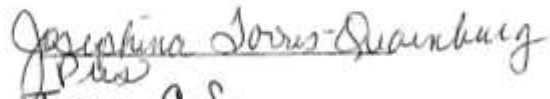
September 2, 2014

To: Yellowstone County Zoning Commission
and
Yellowstone County Commissioners

We own or occupy property near the Quarnburg Farming Corporation land
at 6132 South Frontage Road.

We would like you to know that we support the proposed Quarnburg Zone
Change from Agricultural to Highway Commercial.

Thank-you,


Torres Cafe
6200 So. Frontage Rd.


September 2, 2014

To: Yellowstone County Zoning Commission
and
Yellowstone County Commissioners

We own or occupy property near the Quarnburg Farming Corporation land
at 6132 South Frontage Road.

We would like you to know that we support the proposed Quarnburg Zone
Change from Agricultural to Highway Commercial.

Thank-you,


Bill Davies
D&D Transport
6428 So. Frontage Rd.

September 2, 2014

To: Yellowstone County Zoning Commission
and
Yellowstone County Commissioners

We own or occupy property near the Quarnburg Farming Corporation land
at 6132 South Frontage Road.

We would like you to know that we support the proposed Quarnburg Zone
Change from Agricultural to Highway Commercial.

Thank-you,



Roxanne Hogan
6048 South Frontage Road

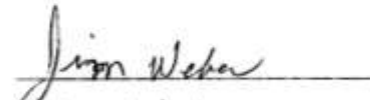
September 2, 2014

To: Yellowstone County Zoning Commission
and
Yellowstone County Commissioners

We own or occupy property near the Quarnburg Farming Corporation land
at 6132 South Frontage Road.

We would like you to know that we support the proposed Quarnburg Zone
Change from Agricultural to Highway Commercial.

Thank-you,


Jim Weber
5912 ELIASIAN Rd

September 2, 2014

To: Yellowstone County Zoning Commission
and
Yellowstone County Commissioners

We own or occupy property near the Quarnburg Farming Corporation land
at 6132 South Frontage Road.

We would like you to know that we support the proposed Quarnburg Zone
Change from Agricultural to Highway Commercial.

Thank-you,


Dawn A. Blaze TADDA
1516 West Lane

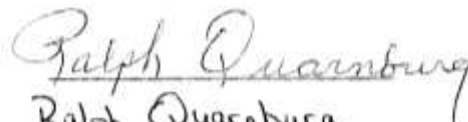
September 2, 2014

To: Yellowstone County Zoning Commission
and
Yellowstone County Commissioners

We own or occupy property near the Quarnburg Farming Corporation land
at 6132 South Frontage Road.

We would like you to know that we support the proposed Quarnburg Zone
Change from Agricultural to Highway Commercial.

Thank-you,


Ralph Quarnburg
6132 South Frontage Rd.


September 2, 2014

To: Yellowstone County Zoning Commission
and
Yellowstone County Commissioners

We own or occupy property near the Quarnburg Farming Corporation land
at 6132 South Frontage Road.

We would like you to know that we support the proposed Quarnburg Zone
Change from Agricultural to Highway Commercial.

Thank-you,


ALUMINUM CRITTERS
6400 South Frontage Rd

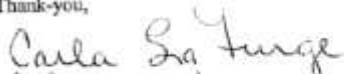
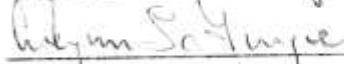
September 2, 2014

To: Yellowstone County Zoning Commission
and
Yellowstone County Commissioners

We own or occupy property near the Quarnburg Farming Corporation land
at 6132 South Frontage Road.

We would like you to know that we support the proposed Quarnburg Zone
Change from Agricultural to Highway Commercial.

Thank-you,



1448 West Lane


September 2, 2014

To: Yellowstone County Zoning Commission
and
Yellowstone County Commissioners

We own or occupy property near the Quarnburg Farming Corporation land
at 6132 South Frontage Road.

We would like you to know that we support the proposed Quarnburg Zone
Change from Agricultural to Highway Commercial.

Thank-you,


John Stilyer
5835 Interstate Av.
Unit A
Billings, MT 59101
907-223-1160 cell

October 8, 2014

To: Yellowstone County Zoning Commission
and
Yellowstone County Commissioners

We own or occupy property near the Quarnburg Farming Corporation land
at 6132 South Frontage Road.

We would like you to know that we support the proposed Quarnburg Zone
Change from Agricultural to Highway Commercial.

Thank-you,



October 8, 2014

To: Yellowstone County Zoning Commission
and
Yellowstone County Commissioners

We own or occupy property near the Quamburg Farming Corporation land
at 6132 South Frontage Road.

We would like you to know that we support the proposed Quamburg Zone
Change from Agricultural to Highway Commercial.

Thank-you,



Patrick Scott

PETITION SUPPORTING**COUNTY ZONE CHANGE #652:****QUARNBURG FARMING CORP., 6132 SOUTH FRONTAGE RD.**

We own or occupy property near the Quarnburg land and we would like you to know that we support the proposed Quarnburg Zone Change from Agriculture to Highway Commercial.
Thank-you.

	PRINTED NAME	ADDRESS	SIGNATURE
1.	Sheri Schultz	6134 S Frontage Rd.	Sheri Schultz
2.	Grace Schultz	6134 S Frontage Rd.	Grace Schultz
3.	Mike McLeod	5615 Interstate Ave	Mike McLeod
4.	Michelle Craig	5735 Interstate Ave	Michelle Craig
5.	Daniel P. Smith	5800 Interstate Ave	Daniel Smith
6.	Brenda Hergenroeder	4500 Robie	Brenda Hergenroeder
7.	Mike Herskell	5710 Interstate Ave #5	Mike Herskell
8.	Tommy Orednick	2630 Robie Ln	Tommy Orednick
9.	DAN SMITH	2533 STERLING ST	Dan Smith
10.	Chuck Quarnburg	4025 3rd Ave So.	Chuck Quarnburg
11.	Deann Hingraham	6132 50th FR RD	Deann Hingraham
12.	Mike Spahr		Mike Spahr
13.	Shirley Field	5610 S. Frontage Rd.	Shirley Field
14.	Jeane Winnick	1212 Mulberry Ln	Jeane Winnick
15.			
16.			
17.			
18.			

Residential



YELLOWSTONE BOARD OF PLANNING GROWTH PROJECTIONS

According to state statutes, the Planning Board is responsible for encouraging "local units of government to improve the present health, safety, convenience, and welfare of its citizens and to plan for the future development of its communities to the end that highway systems be carefully planned; that new community centers grow only with adequate highway, utility, health, educational, and recreational facilities; that the needs of agriculture, industry, and business be recognized in future growth; that residential areas provide healthy surroundings for family life; and that the growth of the community be commensurate with and promotion of the efficient and economical use of public funds" (76-1-102 (a), MCA). This purpose was written into law in 1957, and is still very relevant today.

The factors that control growth are probably far more numerous and complex than 50 years ago. At same time, the technology to monitor these factors and evaluate them comprehensively has kept pace with the complexity. While the use of geographic information systems (GIS), computer modeling, and spatial analysis has expanded our abilities to project where growth may occur, the varied background and experience of a citizen advisory board is invaluable for predicting growth patterns. Map 4.1.3 presents a concept of future growth in the greater Billings area based on a combination of technology and board member's instinct.




The map illustrates the potential growth areas for a 5-, 10-, and 20- time horizon based on a moderate, annual growth rate of 1.5 percent. Board members placed colored dots, representing the different time horizons and a fixed number of people, on a map where they thought growth would occur during that time



interval. The Planning Board considered existing zoning, the limits of annexation as shown in the 2008 Annexation Policy, existing and proposed subdivisions, water and wastewater master plans, and transportation plans when developing the map. These data, factored together with each board member's personal knowledge and market understanding, were used to estimate residential locations and housing densities. Using a GIS mapping program, the colored dots were converted into a dot density map with each dot representing a household containing 2.3 people, or the average household size in Yellowstone County. The Planning Board then considered where land uses other than residential would concentrate over time. The exercise involved drawing bubbles on a map depicting where community commercial, highway commercial/controlled industrial, multi-family residential and parks may develop overtime. Irregular shapes were used to depict these land uses on the GIS map.

Chapter 4.1: Land Use

Explanation of Map Legend

-  5 – Year Growth Area: Each red dot represents the general location of a household of in and after year 2013.
-  10 – Year Growth Area: Each blue dot represents the general location of a household of in and after year 2018.
-  20 – Year Growth Area: Each green dot represents the general location of a household of in and after year 2028.



Community Commercial: a general area where community commercial uses may be concentrated over the 20-year time horizon. Community commercial is defined as retail, service and office businesses offering a greater variety and would generally serve the larger community.



Highway Commercial/Controlled Industrial: a general area where highway commercial and controlled industrial uses may be concentrated over the 20-year time horizon. Highway commercial is defined as commercial and service enterprises which are intended primarily to serve the needs of the intercity motorist and the general traveling public. Controlled industrial means a variety of business, warehouse and light industrial uses related to wholesale.



Industrial: a general area where industrial uses may be concentrated over the 20-year time horizon. Industrial uses refer to businesses engaged in manufacturing, processing, fabrication, and assembly of materials and products. Areas designated as industrial typically have access to two or more major transportation routes.



Park: a general area where large parks may be located over the 20-year time horizon. Parks are areas set aside exclusively for public or semi-public uses in order to preserve and provide a variety of open-space or recreational opportunities which serve the broader community.



Multi-family residential: a general area where multi-family residential uses may be concentrated over the 20-year time horizon. Multi-family is defined as a single building containing three or more dwelling units.



Single-family residential: a general area where single-family or duplex dwelling units may be concentrated over the 20-year time horizon.



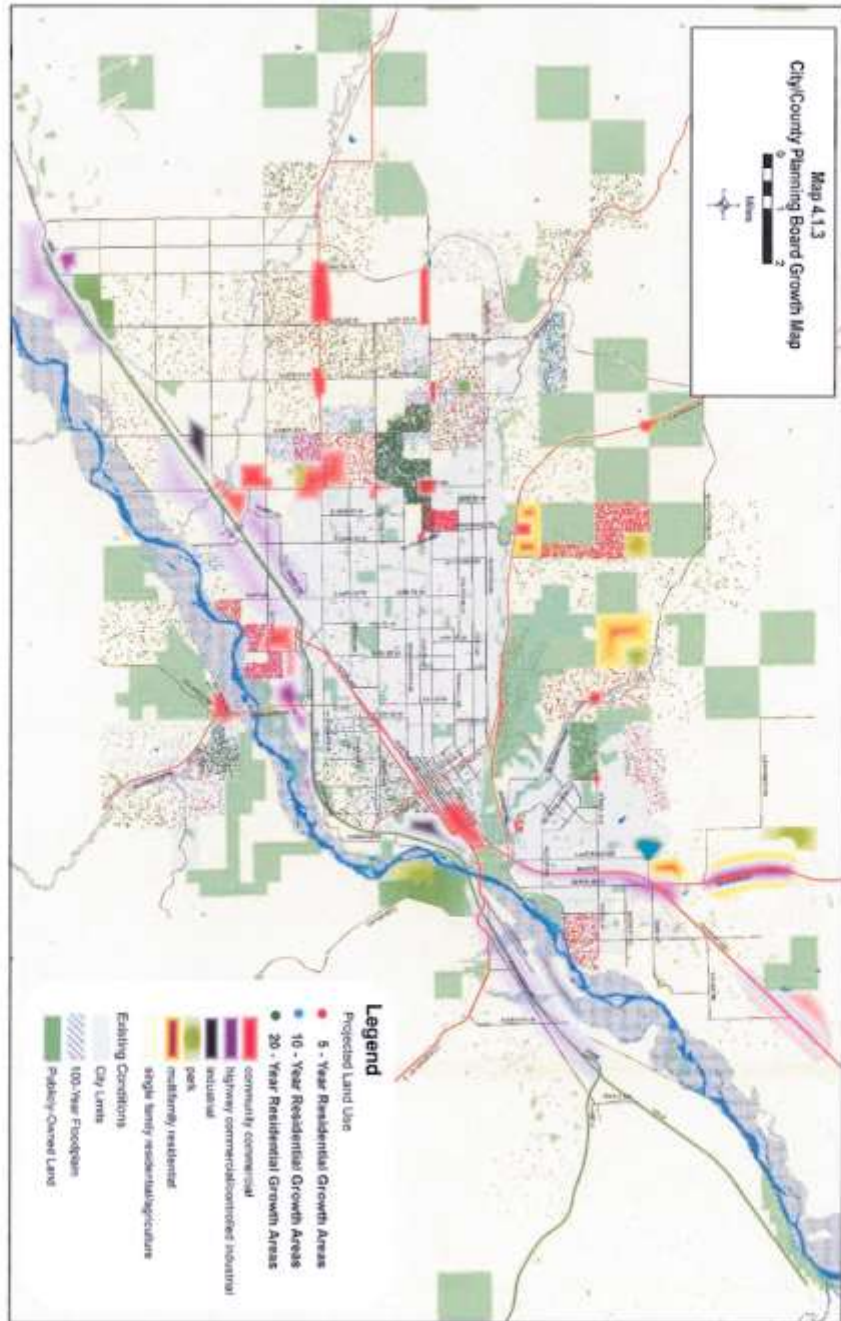
City Limits: The incorporated area of the City of Billings in 2008.



100-Year Floodplain: The area designated by FEMA as having a 1 percent chance of flooding in any given year.



Publicly-Owned Land: Land that is owned and under the management of a local government, state government, or federal government entity.



2C 652
Submitted by Carol Hardy for applicant
to the County Zoning Commission 10/14/11



YELLOWSTONE COUNTY ZONING COMMISSION
YELLOWSTONE COUNTY, MONTANA
MONDAY, MARCH 11, 2013

SUBJECT: Zone Change #639 - Elysian Road, **Viking Land, LLC**
THROUGH: Candi Beaudry, AICP, Planning Director **CB**
FROM: Nicole Cromwell, AICP, Zoning Coordinator, Planner II **NC**

REQUEST

The applicant is requesting a zone change from Agricultural-Open (A-1) to Planned Development (PD) with underlying zoning of Highway Commercial (PD-HC) and Controlled Industrial (PD-CI) on a 84.04 acre parcel of land described as Tracts 2-5 and 6A of C/S 234. The property is located on the southwest corner of East Lane and Elysian Road. The Planned Development zone change is intended to allow some uses in the proposed underlying zoning districts but prohibit others, allow for the purchase of additional property to expand Elysian School, and designate a buffer zone between the expanded school and other uses. The Planning staff is forwarding a recommendation of approval for this zone change application.

APPLICATION DATA

OWNER: Viking Land, LLC
AGENT: Sanderson Stewart
LEGAL DESCRIPTION: C/S 234 Tract 2-6A
ADDRESS: 6844 South Frontage Road
SIZE OF PARCEL: 84.04 acres
EXISTING LAND USE: Agricultural land and Warehouse for Tvetene Turf Farm
PROPOSED LAND USE: School, Agricultural and future commercial or industrial uses
EXISTING ZONING: A-1
PROPOSED ZONING: PD with PD-HC and PD-CI underlying zoning

APPLICABLE ZONING HISTORY

Subject Property - None

Surrounding Properties

Zone Change #17 - A zone change from A-1 to CI for all Tracts in C/S 1391 - portions now are Harnish Trade Center Subdivision and Shackelford-Yellowstone Subdivision - was approved in July 1974.

Zone Change #326 - 2215 Goodman Road - A zone change from A-1 to CI for Tracts 1A, 1B and 2 of C/S 1454 was approved on 9/2/1982.

Zone Change #364 - 6900 South Frontage Road - A zone change from A-1 to HC for Tract 1 of C/S 234 was approved on 10/5/1984.

Zone Change #461 - 6417 through 6780 Trade Center Avenue - A zone change from A-1 to CI on the S1/2SW1/4NE1/4 of Section 24, T1S, R25E, was withdrawn on 8/3/1995.

2C 652
Submitted by Carol Hardy for applicant
to the County Zoning Commission 10/14/14



CITY ZONING COMMISSION
CITY OF BILLINGS, MONTANA
TUESDAY, MARCH 5, 2013

SUBJECT: Zone Change #908, 1228 and 1236 Muldowney Lane
THROUGH: Candi Beaudry, AICP, Planning Director *CB*
PRESENTED BY: Nicole Cronwell, AICP, Zoning Coordinator, Planner II *NC*

REQUEST

This is a zone change request from Agriculture Open-Space (A-1) to Highway Commercial (HC) on an un-platted 63.32 acre parcel of land. The property is located south of the King Ave West interchange with Interstate 90 at 1228 and 1236 Muldowney Lane. Portions of the property are already zoned HC, but the majority is zoned A-1. The property is owned by Elizabeth Zeiler and Ben Smith of Plante Moran Cresa is the agent. The owner conducted a pre-application neighborhood meeting on January 24, 2013 at the Kelly Inn at 5610 South Frontage Road. The pre-application meeting notes are included as Attachment D. The owner has submitted a concurrent request for annexation of the property.

RECOMMENDATION

The Planning Division is recommending approval.

APPLICATION DATA

OWNER: Elizabeth Zeiler
AGENT: Ben Smith, Plante Moran Cresa
LEGAL DESCRIPTION: A fraction of the North ¼, South east ¼ of Section 18, Township 1 South, Range 26 East
ADDRESS: 1228 and 1236 Muldowney Lane
CURRENT ZONING: A-1 (County) and HC
PROPOSED ZONING: HC
EXISTING LAND USE: 2 dwellings and several agricultural buildings
SIZE OF PARCEL: 63.32 acres

CONCURRENT APPLICATIONS

Petition for Annexation - #13-02

SURROUNDING LAND USE & ZONING

NORTH: Zoning: HC
Land Use: Southern Empire Emporium (restaurant); Kelly Inn and Cracker Barrel (restaurant)
SOUTH: Zoning: HC
Land Use: Titan Subdivision - commercial and industrial uses
EAST: Zoning: HC
Land Use: Howard Johnson and Billings Hotel and Convention Center
WEST: Zoning: A-1
Land Use: Tvetene Turf sod farm

2C#652
Submitted by Carol Hardy for applicant 10/14/14
to the County Zoning Commission

PROPOSED ZONING COMMISSION DETERMINATIONS

1 of 3

The Yellowstone County Zoning Commission, prior to any recommendation, shall consider the following:

1. Is the new zoning designed in accordance with the Yellowstone County and City of Billings 2008 Growth Policy?

The proposed zoning complies with the following goals of the Yellowstone County and City of Billings 2008 Growth Policy and area plans:

- Goal: Predictable land use decision that are consistent with neighborhood character and preferred land use patterns identified in neighborhood plans. (Land Use Element, page 6).
This zone change would allow for future development of commercial and residential uses that will be compatible with the proposed school expansion through the specific restrictions and buffering requirements in covenants which mirror those on other land adjoining and within 300 feet of the school and zoned HC with a PD agreement.

- Goal: New developments that is sensitive to and compatible with the character of adjacent development. (Land Use Element Goal, page 6).

This property is adjacent to commercial, industrial, agricultural and residential uses. The proposed restrictions in the covenants will be sensitive to and help create a compatible development plan for the area.

The Growth Policy includes a map showing the planning Board's concept and projections for growth of residential and commercial areas in the greater Billings area, with zoning designations for each area. The proposed zoning complies with the concept of future growth shown on the map, which designates all of the subject property as Highway Commercial. (Growth Projections, pages 43-45)

2. Is the new zoning designed to secure from fire and other danger?

The subject property is currently served by the Billings Urban Fire Service Area (BUFSA). The nearest fire station is located on S 24th Street approximately 2 miles north of the subject property. Depending on the specific uses, the Fire Marshal may require on site water supply for fire protection. Additional review for fire protection would be conducted during the subdivision or development process for this property.

3. Will the new zoning facilitate the provision of transportation, water, sewerage, schools, parks and other public requirements?

Transportation: The new zoning could increase traffic on East Lane, Elysian Road and South Frontage Road, the three access roads available to the property. The increase would be addressed through traffic analysis during the subdivision and/or approach permitting review process.

Water and Sewerage: The property will be served by septic systems and wells or cisterns for each proposed lot if it is subdivided, or when a development is reviewed by the County or State. RiverStone Health's Environmental Health Services Division in coordination with the Montana Department of Environmental Quality will review the lots during the subdivision process to ensure the systems are suitable for the site and the proposed uses and meet all separation requirements.

If the property is annexed, city services would be available.

Schools and Parks: The proposed zoning could have an impact on the school's enrollment if additional residential uses are constructed on the the property.

Fire and Police: The subject property is serviced by the Billings Fire Department and the Yellowstone County Sheriff's Department. Fire protection will be evaluated at the time of subdivision or a development plan.

4* Will the new zoning promote health and general welfare?

The new zoning will allow development of property that is near an existing commercial and industrial area and covenants will provide buffering and screening for an expanded school site. Property improvements will require upgrades to infrastructure that will promote health and general welfare in this area of the County.

5* Will the new zoning provide adequate light and air?

The proposed zoning would require minimum setbacks, maximum building heights and maximum lot coverage. These requirements should allow adequate light and air to reach the subject property and adjacent properties.

6* Will the new zoning effect motorized and non-motorized transportation?

The proposed zoning itself will not generate more traffic on any of the adjacent streets. There should be better control of school traffic when the school is expanded. The proposed covenants stipulate a minimum distance for new residential and commercial access near the school property. This should limit the potential for traffic conflicts for vehicles. Elysian Road east of the location carried 870 vehicles per day in a 2012 traffic count. Daily school traffic would be over and above this amount, since traffic counts are conducted during summer months when school is out of session. South Frontage Road is a high speed minor arterial street that carries approximately 4,190 vehicles per day. The proposed zoning would allow a variety of commercial and residential uses on the property; increased traffic will likely occur when the property is developed.

There are no sidewalks installed on any of the adjacent streets. Pedestrian traffic in the area is limited. As of August 11, 2014, the current Billings Area Bikeway and Trail Master Plan anticipates that all future bike lanes and trails will be located south of the property, except for a trail east of Hogans Slough which is a long-range proposal which would serve the city gateway businesses, including those eventually developed on the subject property. The proposed zoning should have no impact on non-motorized traffic in the area.

7* Will the new zoning be compatible with urban growth in the vicinity?

The proposed zoning is compatible with adjacent urban development including developments to the north, west and east. The school will be protected through the covenants and adjoining residential land will be buffered as required by county/city zoning ordinances.

8• Does the new zoning consider the character of the district and the suitability of the property for particular uses?

The subject property is in an area that has few residential homes but is near a high-speed arterial street. The Elysian School is a use that intends to expand to the west and proposed covenants will make the proposed zoning suitable for this use and other commercial and industrial uses.

9• Will the new zoning conserve the value of buildings?

The new zoning allows for the expansion of the school and the future conversion of the property to selected commercial and residential uses. The new zoning will conserve the value of existing and future buildings in the area.

10• Will the new zoning encourage the most appropriate use of land in Yellowstone County? The property is suitable for the school expansion and with the listed restricted uses on the PD-HC and PD-CI zones. The property is adjacent to 3 public streets, including 1 arterial street.

11• Will the new zoning be as compatible as possible with adjacent zoning in the City of Billings?

The proposed zoning is compatible with the zoning of adjacent land on the east, and north in the City of Billings. The subject land is in the area denoted by the City as a Gateway to the city due to its high visibility from the interstate and its close proximity to the west Billings exit. It is also easily accessible from the Zoo drive exit.

2C#652
Submitted by Quarnburg Farming Corp
to the County Zoning Commission 10/19/14
September 11, 2014 10F3

To: School Board for Elysian School District

Re: Quarnburg zone change

Dear Board Members:

Quarnburg Farming Corporation (Quarnburg) wishes to try and reach a compromise, which will satisfy the School Board's concerns about having Highway Commercial zoning on the Quarnburg property near the Elysian School. Quarnburg needs to sell its property to provide retirement income to the four Quarnburg families. As you know, earlier this week the Yellowstone County Zoning Commission postponed its decision on the Quarnburg zoning request for 30 days and asked Quarnburg and the School Board to use that time to try and resolve their differences. To comply with this request, Quarnburg offers the following two alternative solutions:

First, Quarnburg is willing to add a PUD overlay to a 90,000 square foot area (300 square feet by 300 square feet) at the southwest corner of the Quarnburg property where it corners with the school property. The PUD overlay will be the same as the PUD overlay on the Tvetene property which adjoins the west and south sides of the school property and has an underlying Highway Commercial zoning. This will give the school children the same protections as you agreed to with the Tvetene family in 2013.

Second, as an alternative to the PUD overlay, Quarnburg is willing to give the School District a right of first refusal to purchase the 90,000 square foot parcel of land described in the first alternative. This will give the school the right to buy the property after Quarnburg receives an acceptable offer to purchase the land from another buyer. At that time Quarnburg will notify the School Board of the offer and the intended use of the property by the buyer. If the intended use is a residential use or a commercial use, which the School Board deems acceptable, the School Board would not need to buy and Quarnburg would sell to the other buyer. However if the intended use of the property is a commercial one which the School Board finds undesirable, the school district will have the right to step up to the plate and buy the property for the same price and under the same terms and conditions as were

20f3

offered by the other buyer. The district could then find another buyer and resell the property, or use it as expansion property for the school. Use as expansion property may be important since the School District already includes enough land planned for high density residential development to substantially exceed the 500 student capacity of the current Elysian School as it is now being expanded.

Quarnburg will take either of the two actions described above only if the School Board withdraws its opposition to the Quarnburg zone change in a written letter to the County Zoning Board and the County Commissioners and notifies the parents of its students that a satisfactory resolution has been reached. We feel that this notice is necessary since we have been told that prior to the hearing earlier this week, the school sent notices home with all of its students urging parents to protest the Quarnburg zone change.

If the PUD overlay is an acceptable resolution please notify Quarnburg before next Wednesday, September 17. This is the deadline given by the planning board to accomplish the PUD overlay modifying the Quarnburg zone change request. If you wish to accept the right of first refusal, we have until the next Zoning Commission meeting on October 14 to work out the details of the written document.

In considering these options please keep in mind that both the City and the County already have passed ordinances which require buffer zones on Highway Commercial property to protect adjoining residential neighborhoods like the one on East and West Lanes, on the west side of the Quarnburg property, and like the one you hope will be developed by McCall Development on Elysian Road and East Lane on the Armstrong property. These protective ordinances are enforced whenever a landowner applies for a building permit.

We expect that our property will be annexed into the City and subdivided as a result of the sales. Upon development of the property, through subdivision or Master Site Plan review, we also expect that the City will require that East Lane and Elysian Road be brought up to City standards for Collector streets, along with installation of sidewalks and/or trails for walking and bicycles.

3 of 3

Please consider these alternatives and send us your response. This letter is being hand-delivered to Gary Hogan, the Board Chairman, for delivery to each of you.

Sincerely yours,

Quarnburg Farming Corporation


Charles Quarnburg, President

Elysian School District
Board of Trustees
6416 Elysian Road
Billings, MT 59101

City/County Planning
County Zoning Commission
Yellowstone County Commissioners
2825 3rd Ave. N.
4th Floor
Billings, MT 59101

September 5, 2014

Re: County Zone Change #652

To Whom It May Concern:

The Elysian School Board of Trustees would like to express our concerns with proposed Zone Change #652. The proposed zoning of Highway Commercial on the entire property will be a serious detriment to Elysian School, which is located immediately adjacent to this property. The School was not represented at the Pre-Application Neighborhood Meeting due to an incorrect address on the notice that was mailed, but our Superintendent, Bob Whalen has communicated our concerns to the Applicant (the Quarnburg family) in a recent meeting. We have not received a response yet from the Applicant, so we are documenting our concerns for the record.

Background:

Historically, this area has been rural, agricultural, and residential in nature. In recent years, commercial development to the south and west of the school has impacted the school negatively. Elysian School is currently experiencing significant growth due to new residential neighborhoods within the district. In March of 2013, voters within our district overwhelmingly (79%) voted to approve over ten million dollars in bonds to expand the school, at the current location. During the planning process, the possibility of moving the school was evaluated, due to risk of incompatible uses near the school. After months of study, it was determined that keeping the school at its current location was the only viable option. Moving the school would have been logistically and financially difficult, if not impossible. It was the hope of the Board and the community at large that this significant investment by the taxpayers of the district would influence future development and zoning decisions in the area surrounding the school. And in negotiating the purchase of land for the school's expansion, we were able to secure a buffer zone to protect the school on its south and west sides.

It is our opinion that this proposed zone change is incompatible with the school and should be denied for the following reasons:

Traffic & Safety:

Highway commercial zoning and the associated development could be expected to significantly increase traffic loads. Speeding is already a concern on Elysian Road as well as East Lane. Existing speed control signage has been ineffective at controlling speed and traffic. Our concern is of course for the safety of our students, teachers, and the community who use the school. The area surrounding a school should ideally have low traffic loads and slow speeds, and provide safe multi-modal transportation options. The area surrounding Elysian School has been rural, but development is imminent. Any development should enhance the safety around the school, not create additional peril.

Compatibility with a School:

Quite simply, the school has been in this location for generations, and the taxpayers are investing significantly in this facility. Any change in zoning or any development in the area must be compatible with this community asset. Ideally, schools should be located in residential neighborhoods, which are compatible with scale, form and function of a school. Highway Commercial is simply not compatible.

Elysian School is the community hub of this area. Besides serving as a K-8 school, it is also home to adult education classes, and numerous community events. The newly expanded school is designed to allow for even more opportunities as a community center. Surrounding development and zoning should be sensitive to this.

Compatibility with Existing Neighborhood, and other planned growth.

An Urban Planning Study (UPS) was prepared for the subject property by Morrison-Maierle in January 2014. This document was prepared to request an amendment to the city's annexation map. Interestingly, this study repeatedly contemplated approximately 1/3 of the total area as residential, which is not reflected in this current zone change request. The applicant's zoning request makes the argument that residential development could occur within a Highway Commercial zone. This is true, but if Highway Commercial zoning is approved, there is absolutely no assurance or requirement that any part of the subject property will be developed as residential.

Just prior to the Urban Planning Study for the subject property, the school was included in a different Urban Planning Study (Elysian/East Ln UPS), along with two farms immediately to the east of the school, comprising 144 acres. That area is contemplated as primarily residential, and is compatible with the school. The city's

annexation map was amended to allow for annexation of both properties (Elysian/East Ln, and Quarnburg). Subsequently, the City is currently planning water and sewer service extensions to all of these properties, including the school. The residential development contemplated in both urban planning studies provides considerably more property tax and system development fee revenue than the highway commercial development. These revenues were a major part of the city's decision to amend the annexation map.

Possible Solutions:

We would like to offer the following suggestions:

Amend the zoning request to match up with the land use contemplated in the Urban Planning Study, which was 1/3 of the total acreage as residential. Cluster this area around the school to create a buffer.

Create a plan to mitigate traffic impacts around the school. Restrict commercial traffic access to Elysian road westbound (in front of the new entrance to the school). Direct traffic to South Frontage Road as much as possible.

Please carefully consider our concerns, and suggested solutions. Elysian School is a tremendous community asset. Please ensure that the area surrounding the school is compatible with the school and developed appropriately.

Sincerely,

Elysian School District
Board of Trustees

PETITION AGAINST THE APPROVAL OF COUNTY ZONE CHANGE #652

We, the undersigned, wish to express our disapproval for Zone Change Request #652, 6132 S Frontage Road - A zone change request from Agriculture-Open Space (A-1) to Highway Commercial (HC) on a 126.51 acre parcel of land described as the SW1/4, Sec18, T1S, R26E, less the RY, HWY & C/S 1614 and C/S 2038 and an area already zoned HC. The area is presently used as a sod farm for Twetene Turf.

Date	First Name	Last Name	Address	Signature
9/5/14	Laurence	Smith	1748 Front St.	is ft
9/5/14	Kelly	Smith	1748 Front St.	Kelly Smith
9/6/14	Mamie	Wilson	1601 Front St	Mamie Wilson
9-6-14	Jamie	Harley	5223 Golden Hollow Rd	Jamie Harley
9-6-14	Jonathan	Mills	1717 Stony Meadow Lane	Jonathan Mills
9/6/14	Heley	Vannatta	1814 Front St	Heley Vannatta
9/6/14	Tasha	Mills	1717 Stony Meadow Ln	Tasha Mills
9/6/14	Megan	Lichert	1742 Stony Meadows	Megan Lichert
9/6/14	Michael	Ziske	1747 Front St	Michael Ziske
9/6/14	Gary	McCall	1615 Front St	Gary McCall
9-6-14	Alisha	Soussi	1840 Front Street	Alisha Soussi
9-6-14	Elie	Soussi	1840 Front Street	Elie Soussi
9-6-14	Kassandra	Gomerdi	1731 Lone Pine Dr.	Kassandra Gomerdi
9-6-14	Jennifer	Dow	1726 Front St	Jennifer Dow
9-6-14	Ken	Dow	1726 Front St	Ken Dow
9-6-14	Erin	Grunmett	1746 Hollyhock St	Erin Grunmett
9-6-14	Bryan	Grunmett	1746 Hollyhock St	Bryan Grunmett
9-6-14	Darlan	Kuntz	5402 Lazy Willow Ln	Darlan Kuntz
9-6-14	Sara	Breshers	1828 Front St.	Sara Breshers
9-6-14	Lynelle	Berchtold	1828 Front St	Lynelle Berchtold
9-6-14	Megan	Zawacki	1834 Front St	Megan Zawacki
9-6-14	Shane	Zawacki	1834 Front St	Shane Zawacki
9-6-14	Josh	Wirth	1828 Lone Pine Dr	Josh Wirth
9-6-14	Chas	Nimmo	1803 Stony Meadow	Chas Nimmo
9-6-14	Erica	Goode	1803 Stony Meadow	Erica Goode
9-6-14	Samm	Koch	1711 Front St	Samm Koch
9-6-14	Kevin	Koch	1711 Front St	Kevin Koch
9-6-14	Wade	Braker	5306 Lazy Willow	Wade Braker
9-6-14	Tasha	Straight	1436 Front St	Tasha Straight

	Date	First Name	Last Name	Address	Signature
30	9/6/14	Andrea	Brucker	1707 Front St	Andrea Brucker
31	9/6/14	Kyle	Brucker	1707 Front St	Kyle Brucker
32	9/6/14	Niede	Geiger	1841 Stony Meadow	Niede Geiger
33	9/6/14	Sara	Kane	1633 Front St.	Sara C. Kane
34	9/6/14	Mark	Kane	1633 Front St	Mark Kane
35	9/6/14	Shane	Lovering	1608 Stony Meadow	Shane Lovering
36	9/6/14	Lisa	Lovering	1608 Stony Meadow	Lisa Lovering
37	9/6/14	Matt	Hardy	1815 Lost Creek Rd	Matt Hardy
38	9/6/14	Dawn	Hardy	1815 Lost Creek Rd	Dawn Hardy
39	9/6/14	Coleen	Lee	1902 Front St.	Coleen Lee
40	9/6/14	Jay Lee		1902 Front St	Jay Lee
41	9/6/14	Caleb	Larde	1613 Hollyhock St Bldg	Caleb Larde
42	9/7/14	Dwight	Harley	5223 Golden Hollow Rd.	Dwight Harley
43	9/7/14	Arline	Foster	1705 Stony Meadow Ln	Arline P. Foster
44	9-8-14	Donna	Foster	1705 Stony Meadow Ln	Donna Foster
45	9-8-14	Susan	Doerr	1810 SOWBIRD DR	Susan Doerr
46	9-8-14	Dakota	Doerr	1810 SOWBIRD DR	Dakota Doerr
47	9-8-14	Laurie	VanRoekel	1724 Stony Meadow Ln	Laurie VanRoekel
48	9-8-14	Marilyn	Laughery	1700 Stony Meadow Ln	Marilyn Laughery
49	9-8-14	Ethel	Rogers	1711 Stony Meadow Ln	Ethel Rogers
50	9-8-14	Bryan	Wilson	1601 Front St.	Bryan Wilson
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Arliss Keller
1540 East Lane
Billings, MT 59101



County Zoning Commissioner
2825 3rd Ave N.
4th Floor
Billings, MT 59101

RE: County Zone Change #652
Project Number: 14-174

To Whom It May Concern;

I am a resident affected by the proposed Zone Change #652. I have lived in this area for over 20 years, am long standing friends with most of my neighbors, and my children are alumni of Elysian School. We chose this area of town because we valued the life it provided. My children walked to school each day and played in the surrounding neighborhood, but I fear my grandchildren will no longer be afforded the same life style.

I and my neighbors have numerous concerns about the proposed zoning change. Those concerns are in opposition to many of the eleven criteria for zoning changes and are as follows:

Increased Traffic, #3, 11

In the years since this area began developing the level of commercial traffic has increased significantly.

The current amount of commercial truck traffic is already alarming, and the proposed change would only worsen the problem.

These large trucks are also some of the worst speeding offenders. The speed limit is 35mph and 15mph while school is in session. The speed limit is completely ignored and many trucks travel as fast as 65mph on a regular basis. It is nearly impossible to report these trucks to the companies that own them, and even if we do reach the company there seems to be of little to no effect.

Damage to Roads, #3, 6, 8

This commercial traffic has also wreaked havoc on our roads. The roads are owned by the County and do not take high priority. In nearly 20 years they have been repaved once and chipped sealed only twice. The roads are becoming pitted and hazardous much more quickly.

Danger to Children #4

Many children walk to school, ride bikes and families take leisurely walks on these roads. They were once country roads where this was safe, but less and less families feel this is a safe option any longer. The speeding trucks and cars prove to be too great of a danger.

The crosswalks are already completely ignored. All it will take is one careless driver to change this community permanently. This seems imminent given the current circumstances.

The school has implored the county for flashing signs, but they were told they would have to provide \$15,000.00 to obtain such signs. The school did not create this problem, the businesses did; however, the burden will fall to the school or parents instead.

Quality of Life #4, 8, 9, 10

As I stated before, my neighbors, all the way to Josephine Crossing, chose this area of town because of its remote country lifestyle and close-knit community. The families of Josephine were not even warned as their homes are more than 500 ft from the zoning. This is not fair to those families, this is a community and all of our homes will be affected. To the best of my knowledge, the School Board was also not informed.

It is no longer safe for our children to ride their bikes or cross the streets. The traffic is unpredictable and dangerous.

We also feel our property values will plummet, if we are surrounded by commercial properties. Our current views are of fields and the south hills; we do not wish to look at large unsightly commercial structures.

If the zoning is approved, we as a community will require strict regulations. Some suggestions include:

1. Buffer zone or splitting of the commercial zone:

The commercial zone will need to provide a substantial buffer zone, or better yet, the property should be split, with part residential and part zoned commercial. Billings has plenty of commercial property, and due to the proximity to a school, the proposed change needs to take that into consideration.

2. Road access and zoning

If only the first 500ft from South Frontage Road was zoned commercially, this could address the road problems and avoid the school being so close in proximity to commercial business. Also, this should give the owners sufficient desirability to commercial buyers.

There should also be a stipulation that provides that businesses only have access from Frontage Road.

3. Four-Way Stop

A four way stop needs to be installed at the intersection of Elysian Road and East Lane to ensure traffic slows and stops, as children may be crossing the street, and parents are transporting children to school.

4. Blinking signs

If the existing businesses wish to access Elysian Road, then a blinking "school zone" sign needs to be installed, not at the schools expense.

5. Bike path and Sidewalks

A bike path and sidewalks should be provided for the children and families who wish to safely use this area.

6. Noise ordinance

A noise ordinance needs to be established, so the community will not be subjected to commercial disturbances. Truck traffic should also have a curfew.

7. Property maintenance

The current businesses are not maintaining their properties. Any new businesses should have a berm that is well maintained to hide unsightly commercial activities. There should also be regulations about fencing, if a berm cannot be provided.

I will be out of town during the September meetings, but still wish to make my concerns heard. Please carefully consider how this proposed zoning change may negatively affect our community.

Sincerely,

Arliss Keller

A handwritten signature in cursive script, appearing to read "Arliss Keller".



MCCALL HOMES

1536 Mullawney Lane Suite 100
Billings, Montana 59101
Telephone: 406-651-5354
Fax: 406-651-5364
www.mccallhomes.com

County Zoning Commission
Yellowstone County Commissioners
Sent Via Email and Hand Delivered

Re: Zone Change #652

Dear Zoning Commission and County Commissioners:

Our company, McCall Homes, would like to voice it's opposition to this zone change request.

As you may know, McCall Homes is the builder of Josephine Crossing, which is about a half mile from the Quarnburg property. Josephine has been a wonderful project for us, and we believe it is a nice addition to Billings. As we have seen the build out of Josephine approaching, we have been working on plans for our next neighborhood. Over the past year we have joined with the Armstrong and Walters families in planning the future development of these farms. Together, these farms are about a one half mile square (144 acres) directly south of the Quarnburg property. In order to create a planned neighborhood with urban densities, we will need City services.

In October of last year, we completed an Urban Planning Study, which is necessary to request amendment to the city's annexation map. Our study made the case that the development pattern of Josephine yields significantly higher tax revenue, and system development fees compared to low density commercial. Our study spurred interest from public works in exploring extending services to this area. Public Works, and the city, were interested to see if other properties in the area would be interested in, and appropriate for inclusion in this extension and possible annexation. In January of this year, the Quarnburg Farming Corp. submitted their own Urban Planning Study. In their study, ours was referenced multiple times, including using our density and revenue calculations. Their study assumed that 1/3 of the acreage would be developed as residential, with densities matching ours (5 units per acre). This area and density was used to calculate possible System Development Fee revenue. The residential area was calculated to contribute \$875,700, while the commercial area was calculated to contribute \$159,360 in SDF's, for over 1 million total. If the property is developed as all Highway Commercial, as requested, it is likely that less than \$250,000 in SDF revenue will be realized. By comparison, our 144 acre study area should realize nearly 4 million in SDF revenue.

Besides the economic issues, we believe that the subject property's location in relation to Elysian School, residential on East Ln, and the new neighborhood we are planning, demands more thoughtful zoning than just a blanket of Highway Commercial. We would encourage the Quarnburgs to engage with its neighbors to seek a more comprehensive zoning plan.

Sincerely,

Greg McCall

Brad McCall



20652
Submitted by Brad McCall to the Zoning Comm
10/14/14

MCCALL HOMES

1536 Mallowney Lane Suite 100
Billings, Montana 59101
Telephone: 406-651-5354
Fax: 406-651-5364
www.mccallhomes.com

Quarnburg Farming Corp
Delivered Via Email
10/9/2014

Re: Zone Change #652

• Value/Taxation

- Based on the articles that we found, we think it would be advisable to seek a second opinion from another tax professional, as to whether the Quarnburg Farming Corp, would have a dealer problem, if a limited amount of subdivision was done.
- It is our opinion that the size/indivisibility of this property is the single biggest obstacle to its possible sale. If the property could be separated into smaller (perhaps 20-40 acre) parcels, with some planning/entitlements in place, they would be considerably easier to market and sell. There are more \$1-2 Million buyers than \$10 Million buyers.

• Zoning vs. Covenants

- Gary Armstrong passed along your idea to use covenants to regulate the edge closest to Elysian. While we would like to come up with a solution to this very concern, we don't believe that covenants are the proper tool. We are concerned with the enforceability an agreement of this type (enforced through civil litigation), vs. Zoning (enforced by County/City). Also, who would be a party to this agreement? If most of the authority rests with the owner (Quarnburg now, but hopefully a buyer in the future) that party would usually have rights to change the covenants...
- Alternatively, a Planned Unit Development could be created to regulate the edge, and even mandate a certain amount of residential, and control whether commercial traffic would have access to Elysian Road. Another option would be to create a conceptual master plan, and then overlay multiple appropriate zoning classifications. The Weber family used this approach, which ultimately helped secure the buyer, Cal Kunkel, who will leave that master plan/zoning largely in place, though he could change it to some degree with little to no opposition.

• Compatibility/Traffic

- Our intention is not to impose restrictions unnecessarily on your family, or future owners, rather to simply ensure that area is complementary, and cohesive. We believe that the quality of planning and development for our new neighborhood will add value and desirability to your property. We would love to collaborate with you to create a shared vision that will increase the desirability of this whole area.
- We believe that the school has very legitimate concerns about traffic and compatibility. The new expansion and taxpayer investment in the school, as well as their obvious and implied duty to protect children from danger, requires that they be concerned with traffic and compatibility of uses across from a school.

2C#652
Submitted by Elysian School
to the County Zoning Commission 10/2
10/14/14

To: Quarnburg Farming Corporation

Re: Quarnburg Zone Change

To Whom It May Concern:

The Elysian School Board convened on Monday, September 15th, 2014 to review and discuss your proposals concerning the zoning of the Quarnburg property. These proposals were hand-delivered to Gary Hogan (board chairperson) on September 11th, 2014. After discussion, the Board voted not to accept the two proposals.

We on the Board feel very strongly that the proposal concerning the buffer zone was not in keeping with the intent of the County Zoning Commission's request at the September 8th, 2014 meeting. In the spirit of the discussions at the zoning commission hearing, we are recommending that a buffer zone be established that borders Elysian Road on the south and East Lane on the west, stretching from the southeast corner of the property to the northern edge of residential on East Lane (adjacent to Aluminum Critters). The Urban Planning Study that was done in January 2014 contemplated that 1/3 of the property in question could be residential. We support this and recommend that this area be clustered around the school to create a buffer.

We believe that concerns about traffic and safety that would be associated with highway commercial zoning along East Lane and Elysian Road were not addressed in your proposal. The Board is in support of plan that would minimize and restrict commercial traffic access to Elysian Road and East Lane and help mitigate traffic in close proximity to the school.

Prior to the residents of the Elysian School District passing a ten million dollar school improvement and building bond in March 2013, there was much discussion about moving the school site because of the possibility of increased highway commercial types of business being around the school. After months of study it was determined that keeping the school at its current site was the only option. When the voters passed the bond for the remodel and expansion it was felt that this area is growing rapidly with new residential subdivisions and the area would be residential in nature and fit into the neighborhood school concept. This was based on the existing residential neighborhoods and the planned residential neighborhoods which would allow children that attend Elysian School to ride their bikes or walk and be safe from commercial traffic. In the event that only 300 feet were to be set aside as a buffer zone we believe it would not be feasible to have a safe walking/biking path along Elysian Road to the school.

Your proposal references the PUD that the school supported on the Tvetene property. At the time the School Board was negotiating with the Tvetene family, city services were simply not available, and therefore residential zoning as a buffer around the school was not feasible. The School Board was also not in a very strong bargaining position, as the Tvetenes had the land that the school needed. Another distinction is that most of the traffic that could be created by the eventual development of the Tvetene property will not pass in front of the school. It will access the Frontage Road from Elysian Road, west of the school, not crossing in front of the School as traffic to and from the Quarnburg property would.

2 of 2

In response to your second proposal, the Elysian School District is not interested in a right of first refusal to purchase land from Quarnburg Farming Corporation. With the land we acquired from Tvetene, the current school property is about 20 acres. We will have enough land for our current expansion, and future expansions, if necessary.

Elysian School has been in this location for generations and by passing the bond, our district's residents have sent a message that they are ready to invest not only in the school but also the Elysian community as a whole. Based on the existing residential areas and the planned residential areas which will be in close proximity to the school, we believe that the surrounding development and zoning must be sensitive to this. Accordingly, we must decline your proposals.

Sincerely,

Elysian School District

Board of Trustees

Attachment E – Zone Change #652

Tvetene PD, Urban Planning Study for Quarnburg Farm, Attendance List from October 14, 2014

AG 3666419
05/03/2013 08:58 AM Pages: 1 of 9 Fees: \$3.00
Jeff Martin Clerk & Recorder, Yellowstone MT

Return to:
Sanderson Stewart
1300 North Transtech Way
Billings, MT 59102

PLANNED DEVELOPMENT AGREEMENT

**TRACTS 2, 3, 4, AND 5, OF CERTIFICATE OF SURVEY NO.
234, SECOND AMENDED, AND TRACT 6-A OF AMENDED
TRACTS 6 AND 7, CERTIFICATE OF SURVEY NO. 234,
SECOND AMENDED IN
YELLOWSTONE COUNTY, MONTANA**

THIS AGREEMENT is made and entered into this 30 day of April, 2013, by and between **Viking Land, LLC**, whose address for the purpose of this agreement is 6844 South Frontage Road, hereinafter referred to as "Owner," and **Yellowstone County**, Montana, hereinafter referred to as "County."

WITNESSETH:

WHEREAS, the owner is in discussions with the Elysian School District No. 23 regarding a potential sale of a portion of the owners property to the school district for the purposes of expansion of the existing Elysian School.

WHEREAS, the School District and the Owner desire to provide for harmonious development of the property with land uses and restrictions acceptable to both parties.

WHEREAS, the undersigned is the Owner of all of Tracts 2, 3, 4; and 5 of Certificate of Survey No. 234, Second Amended and Tract 6-A of Amended Tracts 6 and 7, Certificate of Survey No. 234, Second Amended in Yellowstone County.

WHEREAS, the aforesaid Owner and the County desire to place building and use restrictions on the above-described property, as provided in this agreement.

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PD-1

(02/13/13) DDR/sg

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THEREFORE, THE PARTIES TO THIS AGREEMENT, for and in consideration of the mutual promises herein contained and for other good and valuable consideration, do hereby agree as follows:

I. PERSONS BOUND BY THE PLANNED DEVELOPMENT AGREEMENT

All persons, corporations, or other entities, who shall hereafter acquire any interest in and to the above described property, in whole, or in part, shall be taken and held to agree, to conform to, and observe the following land uses, restrictions, and other stipulations as to the use thereof, and as the construction of improvements thereon.

II. LAND USES AND BUILDING RESTRICTIONS

Unless expressly designated below, all other standards or requirements of the Yellowstone County's Zoning Ordinance shall be followed for the type of use within each of the areas described herein.

- A. Restricted Use School Buffer Zone A and School Purchase Parcel** as depicted on attached **Exhibit A** (underlying county zone: Highway Commercial - HC).

All allowed land uses as outlined within the Yellowstone County Zoning Regulations for the underlying Zone shall be allowed within the **School Buffer Zone A and School Purchase Parcel**, with the following exceptions (SIC numbers noted are as defined by the "Standard Industrial Classification Manual", 1987 Edition by the Executive Office of the President, O.M.B.):

Exceptions (uses not allowed) within School Buffer Zone A and School Purchase Parcel:

Division A: Agriculture, Forestry, and Fishing

Group 07 - Agricultural Services

- Veterinary services for Livestock - Boarding
- Veterinary services for Animal specialists - Boarding

Group 08 - Forestry

- Equipment storage and wholesale sales

AG**3666419**05/03/2013 06:50 AM Pages: 3 of 9 Fees: \$3.00
Jeff Martin Clerk & Recorder, Yellowstone MT**Division B: Mining**

- Construction sand and gravel mining (SIC 1442)

Division C: Construction

- Group 16 - Heavy Construction Other Than Building Construction - Contractors
- Open storage of equipment and supplies

Division D: Manufacturing

- Group 20 - Food and Kindred Products
- Alcoholic beverages manufacturing & bottling (SIC 2082, 2083, 2084, 2085)
- Group 21 - Tobacco Products
- Offices only
- Group 24 - Lumber and Wood Products, Except Furniture
- Hardwood and special product sawmills (2426, 2429)
- Millwork, plywood veneer, wood members manufacture (2431, 2435, 2436, 2439)
- Wood Buildings and Mobile home manufacture (245)
- Group 28 Chemicals and Allied Products
- Growing, harvesting, or selling of Marijuana based products
- Group 31 - Leather and Leather Products

Division E: Transportation, Communications, Electric, Gas, and Sanitary Sewer

- Group 41 - Local & Suburban Transit & Interurban Highway Passenger Transportation
- Bus terminal operation only, without maintenance facilities (4173)
- Group 42 - Motor Freight Transportation and Warehousing
- Trucking terminal and maintenance facilities (421, 423)
- Group 43 - U.S. Postal Service
- With truck terminal
- Group 46 - Pipelines, except natural gas
- Group 47 - Transportation services
- Warehouses, terminals
- Group 48 - Communications
- Amateur Radio Antenna Support Structures
- Broadcast antenna or tower farms

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- Group 48 - Commercial Antenna Support Structures
 - Tower farms
- Group 49 - Electric, Gas, and Sanitary Services
 - Transmission and distribution, electric and gas

Division F: Wholesale Trade

- Group 51 - Wholesale Trade - Nondurable Goods
 - Groceries; beer, wine and distilled beverages (514, 518)
 - Tobacco and tobacco products; (5194)

Division G: Retail Trade

- Group 52 - Building Materials, Hardware, Garden Supply, and Mobile Home Dealers
 - Mobile home dealers (manufactured homes) (527)
- Group 58 - Eating and Drinking Places
 - With the sale of beer and wine only for on-premise consumption, without gaming
 - With the sale of beer and wine only for on-premise consumption, with gaming
 - With the sale of all alcoholic beverages for on-premise consumption, with gaming
- Group 59 - Miscellaneous Retail (Strictly Carryout)
 - Fuel dealers (598)

Division I: Services

- Group 70 - Hotels, Rooming Houses, Camps, and Other Lodging Places
 - Rooming, boarding houses; organization hotels and lodging houses, on a membership basis (702, 704)
 - Camps and recreational vehicle parks (703)
- Group 72 - Personal Services
 - Funeral service and crematories (726)
- Group 78 - Motion Pictures
 - Drive-in motion picture theaters (7833)

- B. Restricted use **Zone B** as depicted on attached **Exhibit A** (underlying county Zone: controlled Industrial - CI)



All allowed land uses as outlined within the Yellowstone County Zoning regulations for the underlying zone shall be allowed within the restricted use Zone B, with the following exceptions:

Exceptions (uses not allowed) within restricted use Zone B:

Division A: Agriculture, Forestry, and Fishing

Group 09 - Fishing, Hunting, and Trapping

- Fish hatcheries and preserves (092)

Division B: Mining

- Construction sand and gravel mining (1442)

Division D: Manufacturing

-

Group 21 - Tobacco Products

- Offices only

Group 24 - Lumber and Wood Products, Except Furniture

- Hardwood and special product sawmills (2426, 2429)
- Millwork, plywood veneer, wood members manufacture (2431, 2435, 2436, 2439)

Group 28 - Chemicals and Allied Products

- Growing, harvesting or selling of Marijuana based products

Group 31 - Leather and Leather Products

- Offices only

Division E: Transportation, Communications, Electric, Gas, and Sanitary Sewer

Group 40 - Railroad Transportation

- Passenger and freight terminals

Group 46 - Pipelines, Except Natural Gas

The following uses are allowed within the Restricted Use Zone B, with special review approval:

Division D: Manufacturing



Group 20 - Food and Kindred Products

- Alcoholic beverages manufacturing and bottling (2082, 2083, 2084, 2085) By Special Review

Group 41 - Local & Suburban Transit & Interurban Highway Passenger Transportation

- Bus terminal operation only, without maintenance facilities (4173) By Special Review

Division F: Wholesale Trade

Group 51 - Wholesale Trade - Nondurable Goods

- Groceries; beer, wine and distilled beverages (514, 518) - By Special Review
- tobacco and tobacco products; (5194) By Special Review

IV. LANDSCAPING REQUIREMENTS

Unless expressly designated below, all landscaping and performance standards as outlined within section 27-1101 of the Yellowstone County's Zoning ordinance shall be followed as required within the underlying county zone outlined herein, with the following exceptions:

A. School Buffer Zone A

Within the **School Buffer Zone A** as depicted on attached Exhibit A, regardless of the size of the development, a bufferyard shall be provided on the common boundary with the Elysian School property which shall include

- 15' Minimum width bufferyard
- Three trees per 40 lineal feet
- 6' sight obscuring fence or wall located on property.

The bufferyard shall be required at the time of development of the property adjacent to the Elysian School Purchase Parcel.

V. OTHER SPECIAL AGREEMENTS

A. Access

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Jeff Martin Clerk & Recorder, Yellowstone NT



Vehicular Access onto Elysian Road and East Lane from School Buffer Zone A and Restricted Use Zone B shall be a minimum of 150 feet from the School Purchase Parcel

IN WITNESS WHEREOF, the parties hereto have set their hands and official seals on the date first above written.

"OWNER"

VIKING LAND, LLC

By:

Mike Tvetene

Its:

President

STATE OF MONTANA)

: ss

County of Yellowstone)

On this 2nd day of May, 2013, before me, a Notary Public in and for the State of Montana, personally appeared Mike Tvetene, known to me to be the President of VIKING LAND, LLC who executed the foregoing instrument and acknowledged to me that he/she executed the same.



Linda K. Vandersloot
Notary Public in and for the State of Montana
Printed Name: Linda K. Vandersloot
Residing at: Billings
My commission expires: 5/31/15

AG

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Jeff Martin Clerk & Recorder, Yellowstone MT



This agreement is hereby approved and accepted by Yellowstone County, this
30 day of April, 2013.

"COUNTY"

COUNTY OF YELLOWSTONE, MONTANA

County of Yellowstone
 Board of County Commissioners

By: [Signature]
 Chairman

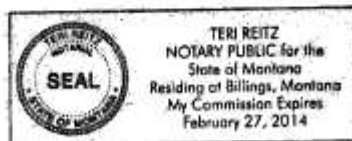
By: Bill Kennedy
 Commissioner

By: [Signature]
 Commissioner

Attest: [Signature]
 County Clerk and Recorder

STATE OF MONTANA)
) ss
 County of Yellowstone)

On this 30 day of April, 2013, before me, a Notary Public in
 and for the State of Montana, personally appeared James E. Reno,
Bill Kennedy, John Ostlund,
 and Jesse Martin, known to me to be the Board of County
 Commissioners and the County Clerk and Recorder, respectively, of Yellowstone
 County, Montana, whose names are subscribed to the foregoing instrument in such
 capacity and acknowledged to me that they executed the same on behalf of Yellowstone
 County, Montana.



P:11067_02_Elystan_School_PD

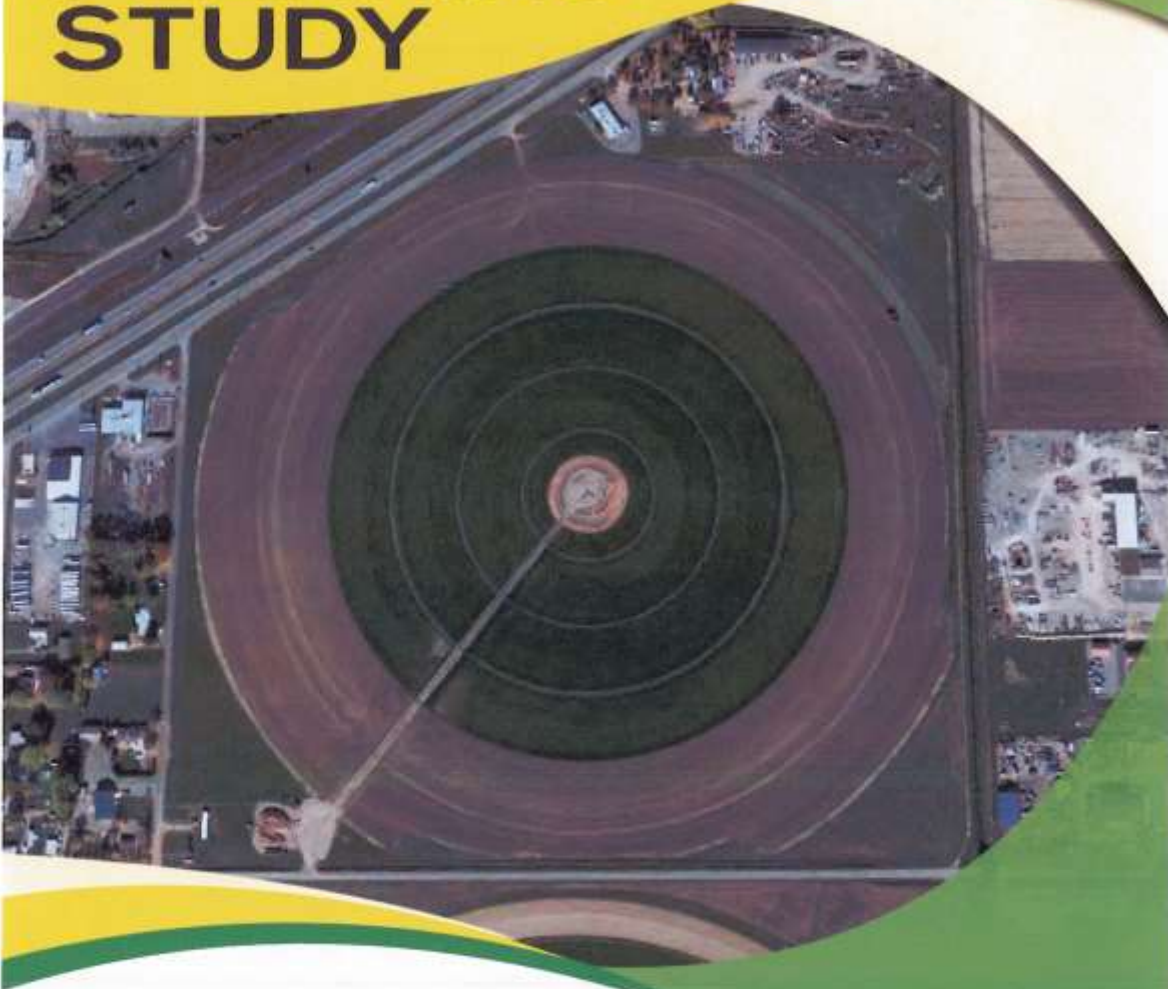
Teri Reitz
 Notary Public in and for the State of Montana
 Printed Name: Teri Reitz
 Residing at: Billings
 My commission expires: 2-27-2014

PD-8

(02/13/13) DDB/lig



URBAN PLANNING STUDY



Prepared For:

Quarnburg Farming Corporation

6132 S. Frontage Rd.
Billings, MT 59101-6381

JANUARY 2014

Project Number: 529L001



URBAN PLANNING STUDY

FOR THE

**Quarnburg Farming Corporation
6132 S. Frontage Rd.
Billings, MT 59101-6381**

Prepared by:

Morrison-Maierle, Inc.
315 N. 25th Street, Suite 102
Billings, MT 59101

Phone: (406) 656-6000

Fax: (406) 237-1201

January 2014

Written By: JAC Checked By: TWM

Approved by: 
Dax Simek, Project Manager

PROJECT NO: 5291.001

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APPENDICES

Appendix A, Exhibits

Exhibit A	Red Zone Map Amendment Request
Exhibit B	Study Area Streets
Exhibit C	Yellowstone River Channel Migration Zone
Exhibit D	FEMA Floodplain Map
Exhibit E	Proximity to Proposed Bikeway & Trail Network
Exhibit F	USGS Topo Showing Study Area
Exhibit G	Storm Drainage

Appendix B, Supporting Documentation

Certificate of Survey 2038
Yellowstone County Zoning Maps
Custom Soil Resource Report
Trip Generation Calculations

Introduction

This report considers a study area of 6132 S Frontage Road with a legal description of S18, T01 S, R26 E, SW 4 (LESS RY, HWY & C/S 1614 & C/S 2038) in Yellowstone County, MT. The parcel is bounded by the South Frontage Road to the north, Elysian Road to the south, East Lane to the west, and Hogan's Slough and an unimproved access road to the east. This property is currently owned by Quarnburg Farming Corporation, and is zoned A-1, Agricultural Open Space.

An October 31, 2013 study by McCall Homes and Sanderson Stewart for the adjacent 1613 East Ln and 1843 East Ln properties is used as a reference in this report. Information from the Sanderson Stewart report that is applicable to the study area of this report will not be repeated herein, but rather will be referenced using the notation "*Elysian/East Ln UPS*".

Proposed Land Use

Existing

The parcel under consideration in this report consists of approximately 126.5 acres of farmland. The northwest boundary line of this parcel is the I-90 corridor, as well as 3 small residential properties. To the east is a mixture of Highway Commercial and Controlled Industrial. South of the study area is an area of Agricultural Open land for which Sanderson Stewart and McCall Homes recently prepared an Urban Planning Study (*Elysian/East Ln UPS*) with the proposal that the area be annexed and receive a Planned Unit Development (PUD) zoning designation which would allow mixed-use development. Just southeast is the new Harmony Meadows property which is planned for development as a high-density multi-family residential area. To the west of the study area is Hiway Acres, an area which is primarily low density single family residential (R150), and a parcel of Highway Commercial.

The parcel is located within the City's Long Range Urban Planning Area. The City Limits currently extend along the north side of the I-90 corridor, portions of the I-90 and King Avenue interchange, and areas to the east of Muldowney Lane.

Proposed

It is proposed that the City's annexation map be amended to allow the study area to be located in the City's "Red Zone", which would allow for future annexation. A zoning designation of Highway Commercial (HC) is proposed to allow a mixture of residential and commercial development.

The reasons that future annexation is proposed are similar to those described in *Elysian/East Ln UPS*, namely that this annexation would allow planning and zoning to occur in such a way that would enhance the potential of this growing corridor. The area has experienced significant recent growth and development, including Josephine Crossing and the imminent development of Harmony Meadows. It is believed that the proposed annexation and zoning for the study

area would be compatible with the other development occurring in the area, specifically the subject parcel in the *Elysian/East Ln UPS*. The *Elysian/East Ln UPS* enumerates, in detail, the other growth and considerations which are also applicable to this property including extension of city services which would benefit not only this parcel, but also that of surrounding parcels, including Elysian School and the ability to ensure growth that occurs in a predictable and positive way.

Projected and Estimated Population

As noted above, the proposed zoning is Highway Commercial. Thus, it is assumed that a portion of the area may be developed as commercial properties. For the purposes of estimating in this report, it will be assumed that one-third of the area will develop as residential, with the remaining two-thirds as commercial. The actual population may vary based on the final development characteristics of the area.

Similarly to *Elysian/East Ln UPS*, the Josephine Crossing development will be used to estimate residential density. This area has a density of about five units per gross acre at 2.3 persons per dwelling unit. Under this scenario, the full build out development would have a population of approximately 485 residents ($1/3 \times 126.5 \text{ acres} \times 5 \text{ units/acre} \times 2.3 \text{ persons per dwelling unit}$).

Development Timeline

It is expected that the property would develop over an extended timeframe. As of the writing of this report, plans for the future development of the property are unknown. Details regarding site specific development proposals would be included, as required, in individual site development applications over time.

Land Characteristics

Topography and Geology

Topographically, the study area would be described as relatively level, with an average slope of 0.55% from northwest to southeast, and close to the Yellowstone River. However, the property is not within the 100 year floodplain of the river. The area is bounded on the south by Elysian Road, the west by East Ln, and on the northwest by the Interstate 90 corridor.

Please refer to the *Elysian/East Ln UPS*; the study area that is the subject of this report shares geologic features that are similar to those detailed in that report.

Soils

Information obtained from the USDA Natural Resources Conservation Service Web Soil Survey website, and the Custom Soil Resources Report, as contained in Appendix A, indicates that two types of soils exist in the study area. The majority (93%) of the study area is Lohmiller silty clay (Lr). As noted in *Elysian/East Ln UPS*, this soil presents good to fair topsoil with clayey material, characterized by medium expansion and compressibility, low bearing strength,

City-County Planning Division

Tuesday, October 8, 2014

Yellowstone County Zoning Commission

page 1 of 2

Printed Name	Address/email
RALPH QUARNBURG	6132 So. FRTG. RD
SHARON INGRAHAM	6132 So Frt. Rd.
CAROL HARDY	2211 Spruce St
Josie Quarnburg	4025 3rd Ave So.
Chuck Quarnburg	4025 3rd Ave So.
Bob Whited	240 Oberland hwy.
Blaine Poppler	5403 N. My. Ave. west.
Jeremy Vannatta	1814 Front St.
Lowell Cooke	525 Alderson
Dennis Randall	1300 N. Transtede Way
Kenay Walter	1807 East Lane
Norma J. Walter	1807 East Lane
Haley Vannatta	1814 Front St
Greg McCall	1615 Front St
Carolee Bonner	1637 Front St
Laurie Hicketier	5202 Sagaview Dr.
Kelly Smith	1748 Front St

Planning and Community Services Department

page 2 of 2

Yellowstone County Zoning Commission

[illegible]